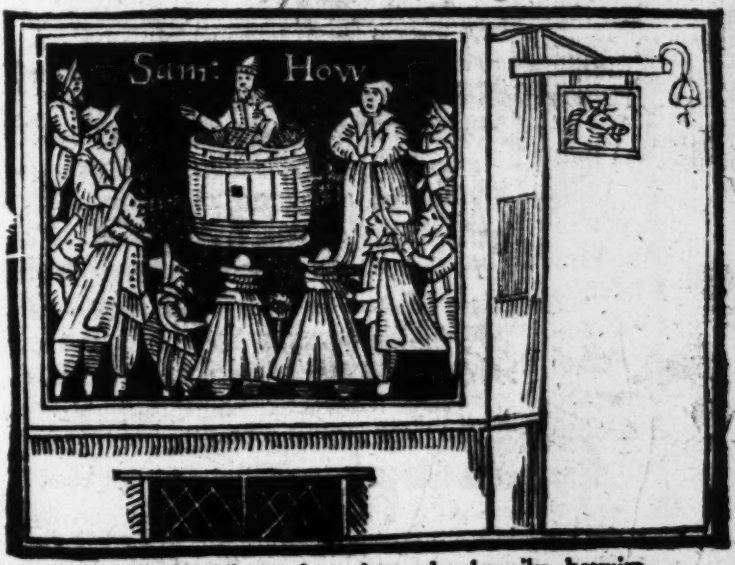
A SVVARME OF SECTARIES, AND SCHISMATIQVES:

Wherein is discovered the strange preaching (or prating) of such as are by their trades Coblers, Tinkers, Pedlers, Weavers, Sowgelders, and Chymney-Sweepers.

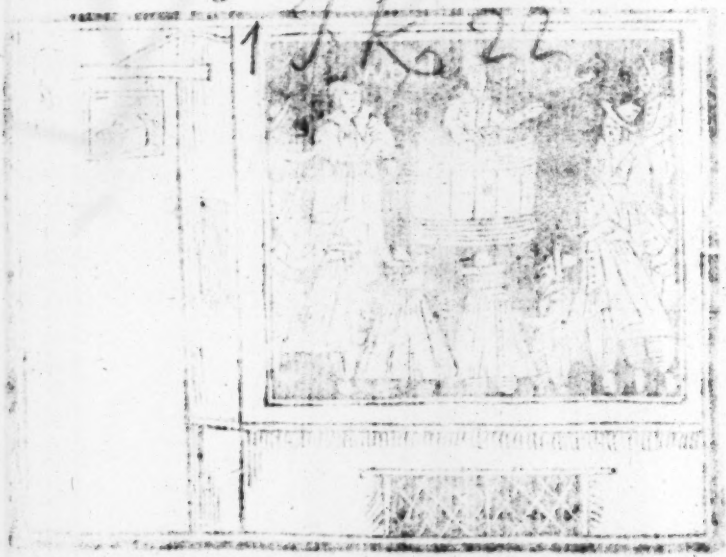
BY JOHN TAYLOR.

The Cobler preaches, and his Audience are
As wise as Mosse *was, when he caught his Mare.*



Printed luckily, and may be read unhappily, betwixt hawk and buzzard. 1641.

MVSEVM
BRITAN
NICVM



The ods or difference betwixt the Knaves Puritan, and the Knave PURITAN.

And first of the Knaves Puritan.

HEE that resists the world, the flesh, and Fiend,
And makes a conscience how his daies he spend
Who hates excessive drinking, Drabs and Dice;
And (in his heart) hath God in highest price;
That lives conformable to Law, and State,
Nor from the Truth will flie or separate;
That will not sweare, or cozen, cogge or lie,
But strives (in Gods feare) how to live and die:
He that seekes thus to do the best he can,
He is the Knaves abused Puritan.

The Knave Puritan.

HE whose best good, is only good to seeme,
And seeming holy, gets some false esteeme:
Who makes Religion hide[illegible]pocrisie,
And zeale to cover [illegible]lany;
Whose purity (much [illegible]e devils Ape)
Can shift himself into an Angels shape,
And play the Rascall most devoutly trim,
Not caring who sinkes, so himself may swim:
Hee's the Knave Puritan, and only He,
Makes the Knaves Puritan abus'd to be;
For (in this life) each man his lot must take,
Good men must suffer wrong for bad mens sake.

To he that will.

THou that this little Book in hand doſt take,
Of what thou readſt no falſe conſtruction
Be not prejudicate, to carp, or grudge, (make
And look thou underſtand before thou judge:
My Muſe is Muſicall, and runs diviſion,
And holds all Criſick Cockſcombs in deriſion.
The wretch, that true Religion doth deſpiſe,
Is like the Atheiſt, that his God denies,
And thoſe that do contemne Religious Rites,
Muſt look for portions with the hypocrites:
And therefore with all Reverend due reſpects
To Truth, I have diſplaid ſome peeviſh Sects,
Full of foule errors, poore, and bare of ſence,
Yet tending to ſome dangerous conſequence.
'Tis paſt a Butchers [illegible] wers reach,
To pearch into a Pu[illegible] to preach:
A pot, a platter, dripping pan, or ſpit,
Are for a Ladies Bed-chamber unfit:
Rich Hangings, Curtaines, Carpets, garments gay
Doe not become a Kitchin any way.
A Preachers work is not to gelde a Sowe,
Vnſeemly 'tis a Iudge ſhould milke a Cowe:
A Cobler to a Pulpit ſhould not mount,
Nor can an Aſſe caſt up a true account.

A Clowne to ſway a Scepter is too baſe,
And Princes to turne Pedlers were diſgrace:
Yet all theſe, if they not miſplaced be,
Are neceſſary, each in their degree,
If each within their limits be contain'd,
Peace flouriſheth, and concord is maintain'd.
The good man *Iob* deſcribes it plain and right,
Where order is not, darkneſſe, and the light Iob 10.22
Are both alike, for blindefold Ignorance
Of perfect wiſdome hath no glimpſe or glance.
But ſuch as 'gainſt all order doe rebell,
Let them not doe as did *Achitophell*, 2 Sam. 17
To ſet his houſe in order home went he, 23.
But what became of him, pray reade and ſee.
Kinde Brethren, I doe wiſh you better fortune,
And with tongue, pen, and heart, I you importune
To have the patience but to heare, or reade
What kinde of fellowes doe you thus miſleade;
I doe inveigh here with impartiall pen
Againſt no ſilenc'd, learned Clergy men,
Nor any man that underſtands me right,
But will approve theſe lines which here I write:
For let baſe ſpight ſay what it dare or can,
I know, what's writ, offends no honeſt man.
I write of ſome, that with tongue, pen and print
Have writ and rail'd, as if the devill were in't.
I could name many of that precious crew,
And for a taſte I will recite a few.

First, of one that was a Merchant of Pitchards, Black pots, Double lugges, and Pipkins, and was forward to preach, not being called or ſent.

NEare to the lower end of Cheapſide late,
There dwelt one *Knight* that ſold much brittle
As glaſſes, earthen diſhes, pans and platters, (plate,
Pots, pipkins, gallipots, and ſuch like matters.
This *Knight* the Brethren (by appointment ſent
To Loving-land, (an Iſle) in Suffolk went,
And at a Village (Summerlayten hight)
A Sermon there was preached by that *Knight*.
His prayer extemp're done, he op'de the book,
And *Vnto us a Childe is borne*, he took
To be his Text, and handled it ſo gravely,
That for it did in Yarmouth Gaole, the Knave lie.
Knight had to aide him to negotiate,
One *Gault* (a Shoomaker) Aſs-ſociate,
Both which were quickly to promotion riſen,
Preferr'd from Yarmouth, unto Norwich priſen.
From thence *Knight* was unto the Gatehouſe brought
Whence upon Baile, his liberty he ſought,
And was bail'd, but his baile and he both fled
To Amſterdam, and there he publiſhed

Strange

Strange Libels, full of miſchiefe and debate, (State.
Which here were ſcatterd 'gainſt the Church and
Whereby he to the world did plaine reveale
His mallapert, moſt ſaucie, purblinde zeale.

Another ſweet youth in a Basket.

ONe *Sidrach Cave* made Baskets late in Elie,
A conſtant brother, rais'd up his maids belly:
But 'twas in Gandermonth, his wife lay in,
His fleſh rebell'd, and tempted him to ſin;
And *Cave's* wife tooke the wrong moſt patiently,
For which the Brethren prais'd her ſanctity.

A third Bird of the ſame Neſt.

ANother (one *Iohn Howgrave*) dwelt at Yar- (mouth
(Not hot, or cold, but with a meere lukewarm-
From country, wife & houſhold late he fled (mouth)
To Rotterdam, for's Conſcience as he ſed;
At *Iohn Burgaries* houſe, he took his Inne,
And woo'd his Hoſteſſe to the Paphean ſin.
Burgaries wife by him with childe was got,
That *Howgrave* fearing Rotterdam too hot,
Fled back to Yarmouth, whence at firſt he came;
His fault was knowne, and he chid for the ſame:
He ſaid it was not he did that vile deed,
But ſin that dwelt in him that fault did breed;
And that the devill ſhould more damnation win,
For tempting Gods deare childe to ſuch a ſin.

Another

Another like that.

OF young, and old, both ſexes late, a crew
were bound from England old, to Engl: new:
And ſtaying long at Yarmouth there together,
Expecting Ships for paſſage, winde and weather,
A Brother came to *Howgraves* wife, and kiſt her,
And told her ſad newes of a new falne ſiſter,
Falne (quoth ſhe) from the Word? I hope not that,
And let her fall then, tô no matter what:
Ah no, ſhee's fowly got with childe (quoth he)
Now out upon her, pray by whom (quoth ſhe)
'Twas by a faithfull Brother he replide,
Well, well, quoth ſhe, we all have gone aſide;
If 'twere a Brothers, deed ſhe could not ſhun it,
But 'thad been naught, had one of th'wicked done it.

A precious youth.

ALſo one *Spilsbery* roſe up of late,
(Who doth, or did dwell over Alderſgate)
His office was to weigh Hay by the Truſſe,
(Fit for the pallat of Bucephalus)
He in ſhort time left his Hay-weighing trade,
And afterwards he Iriſh Stockings made:
He rebaptiz'd in Anabaptiſt faſhion
One *Eaton* (of the new found ſeparation)
A zealous Button maker, grave and wiſe,
And gave him orders, others to baptize;

Who

Who was ſo apt to learne that in one day,
Hee'd do't as well as *Spilsbery* weigh'd Hay.
This pure Hay-lay man to the Bankſide came,
And likewiſe there baptiz'd an impure dame,
A Basket-makers wife, known wondrous well,
In Moſſe his Alley he and ſhe doth dwell.

As good as the reſt.

AT Brentford dwels the widdow Conſtable,
(As wiſe as was the Dean of Dunſtable)
Her husband dy'd, and ſhe great haſt did make,
Our Church, and Churches doctrine to forſake;
Profeſſing purity, chaſte, undefil'd,
Yet in a Gravell pit was got with childe,
And now ſhe bids Religion quite adiew,
Turn'd from a Nonconformiſt, to a Jew.

THeſe kind of Vermin ſwarm like Caterpillars
And hold Conventicles in Barnes and Sellars,
Some preach (or prate) in woods, in fields, in ſtables,
In hollow trees, in tubs, on tops of tables,
To the expence of many a tallow Tapor,
They toſſe the holy Scripture into Vapor:
Theſe are the Rabſhekaes that raile ſo bitter,
(Like mungrill Whelpes of Hells infernall litter)
Againſt that Church that hath baptiz'd and bred
And like a loving mother, nurſt & fed them, (them,
With milk, with ſtrong meats, with the bread of
Like a true mother, and our Saviours wife. (life,

Here followeth the Relation of the moſt famous preaching Cobler *Samuel Howe.*

OF late a wondrous accident befell,
A zealous Cobler did neare Morefields dwell:
A holy Brother of the Separation,
A ſanctified member by Vocation.
One that did place his principall delight,
To ſet ſuch as doe walke aſide, upright,
To mend bad Soales, and ſuch as go aſtray,
Diſcreetly to ſupport, and underlay.
This Reverend tranſlating Brother (H o w)
Puts both his hands unto the ſpirituall Plow;
And at the Nags head, neare to Coleman-ſtreete,
A moſt pure crew of Brethren there did meete,
Where their devotion was ſo ſtrong and ample,
To turne a ſinfull Taverne to a Temple,
They baniſh'd Bacchus thence, and ſome ſmal ſpace
The drawers and the Bar-boy had ſome grace.
There were above a hundred people there,
With whom few underſtanders mingled were,
Who came to heare the learned Cobler H o w,
And how he preach'd, pray mark, Ile tell you now:

He

He did addreſſe himſelfe in ſuch a faſhion
As well befitted ſuch a Congregation.
He made ſome faces, with his hands erected,
His eyes (moſt whiteſt white) to heaven directed:
His hum, his ſtroking of his beard, his ſpitting,
His poſtures, and impoſtures done moſt fitting.
A long three quarters prayer being ſaid,
(The good man knowing ſcarce for what he prai'd)
For where his ſpeech lack'd either ſence or weight,
He made it up in meaſure and conceit.
A worthy Brother gave the Text, and than
The Cobler (H o w) his preachment ſtrait began
Extemp'ry without any meditation,
But only by the Spirits revelation,
He went through-ſtitch, now hither, & now thither,
And tooke great paines to draw both ends together:
For (like a man inſpir'd from Amſterdam)
He ſcorn'd *Ne ſutor ultra crepidam*;
His Text he clouted, and his Sermon welted,
His audience (with devotion) almoſt melted,
His ſpeech was neither ſtudied, chew'd or champ'd,
Or ruminated, but moſt neatly vamp'd.
He ran beyond his latchet I aſſure ye,
As nimble as a Fairie, or a Furie:
He fell couragiouſly upon the Beaſt,
And very daintily the Text did wreſt; (him,
His audience wondred what ſtrange power did guide
'Tis thought no man can do the like beſide him.
Yet ſome there were, whoſe cenſures were more quicker,
Said Calveskin doctrin would hold out no liquor.
'Gainſt Schooles, and learning he exclaim'd amain,
Tongues, Science, Logick, Rhetorick, all are vain,

And wiſdome much unfitting for a Preacher,
Becauſe the Spirit is the only teacher.
For Chriſt choſe not the Rabines of the Jewes,
No Doctors, Scribes, or Phariſees did chuſe:
The poore unlearned ſimple Fiſherman,
The poling, ſtrict tole-gathering Publican,
Tent-makers, and poore men of meane deſart,
Such as knew no degrees, or grounds of Art;
And God ſtill being God (as he was then)
Still gives his Spirit to unlearned men,
Such as are Barbers, Mealmen, Brewers, Bakers,
Religious Sowgelders, and Button-makers,
Coopers, and Coblers, Tinkers, Pedlers, Weavers,
And Chimney ſweepers, by whoſe good endeavours
The flock may fructifie, encreaſe, and breed
In ſanctity, that from them may proceed
Whole multitudes of ſuch a generation,
As may hold learning in ſmall eſtimation.
The Latine is the language of the Beaſt,
Of Romes great-Beaſt, that doth the world moleſt;
Beſides the Biſhops ſpeake it when they will,
And all the Preachers babble Latine ſtill;
Then ſince it is the Romiſh tongue, therefore
Let us that doe not Antichriſt adore,
Leave it to Lawyers, Gentlemen, and ſuch
Whoſe ſtudies in the Scriptures are not much.

THis was the very ſumme, the root, and pith,
The Coblers Lecture was full furniſh'd with:
And having ſaid his *All* (his prayer paſt)
He bleſt his Brethren, and came to his Laſte.
And in ſome points, the Coblers caſe is cleare,
Chriſt choſe not learned men when he was here,
Not Maſters, or expounders of the Law,
(For he knew all things, and all things foreſaw)
For had he choſe great men of wealth & arts, (harts)
The Jewes (with ſlanderous tongues and hardened
Would then have ſaid that what he did, or ſaid
Was done by their aſſiſtance, and their aide.
He therefore choſe poore men in meanes & tongue,
That by weak means he might confound the ſtrong.
Yet this is certain, that at Pentecoſt,
(When on th'Apoſtles fell the holy Ghoſt)
Each of them ſpake, each ſeverall language then,
And were, and ne're ſhall be ſuch learned men.
Not all the Univerſities that are,
Or were, or will be, with them may compare,
For never Biſhops, or Divines inferiours,
But did acknowledge them for their ſuperiours
For ſanctity, and working Miracles,
For preaching ſacred heavenly Oracles,
For perfect knowledge, and integrity,
For life and doctrines pure ſincerity
Th'Apoſtles had more tha then whole world had,
Therefore the Cobler and his crew are mad.

Objection.

But ſome (perhaps) may anſwer me, that then
No humane learning did inſpire thoſe men.
And that the Spirits mighty operation
Gave them the language of each ſeverall Nation:
Indeed true Chriſtian Churches have confeſt,
That long agone all miracles are ceaſt,
We muſt not look for ſignes and wonders now,
God plentifully doth his Word allow,
And Tongues are not ſo eaſily diſcern'd,
But men muſt ſtudy for them, to be learn'd.
For when the Apoſtles all were gone and dead,
By learned men the Goſpell was or'eſpread:
And publiſh'd, and tranſlated every where,
Elſe we had never had a Bible here.
'Twas Schollers, and grave learned men that did
Tranſlate the Scriptures, which had ſtill been hid
From all Sects, that would Order undermine,
Maintaining learning fits not a Divine.
Therefore if they (as they doe boaſt) inherite
So large a meaſure of th'unmeaſur'd Spirit,
Let them ſpeak tongues, as then the Apoſtles ſpake,
To work great wonders let them undertake;
Let them convert unto the Faith of Chriſt
Whole nations (whom the devil hath long entic'd.)
Let them the Moores, and barbarous Indians reach,
And to Man-eating Canniballs goe preach:
Let all thoſe Brethren leave great Britaines Coaſt,
And travaile where the devill is honour'd moſt.

All

All you that are this Kingdomes peſtilence,
I wiſh you goe, and drive the devils thence;
And then my Muſe and I, in Verſe will tell,
You and your Spirit have done wondrous well.

A Short relation of ſome of the mighty Miracles done by the Apoſtles in the name and power of IESUS.

THree thouſand Soules, S. *Peter* in one day, Act. 2. 41.
By preaching, turn'd into the heavenly way;
He cur'd the Cripple, reade but *Acts the third*,
Strooke dead two deep diſſemblers with his word: Acts 5. 1.
Cur'de old *Æneas*, palſied, weak, and lame, Acts 9. 34.
Theſe things Saint *Peter* did in *Ieſus* name.
Cur'd people with his ſhadow, and reviv'd
Tabitha (whom Death had of life depriv'd, Acts 9. 40.
And after (fetter'd) in cloſe priſon ſhut,
An Angell him at liberty did put.
Let me ſee one of you ſuch rare things doe,
And then Ile ſay you have the Spirit too.
Saint *Paul* gave *Sergius Paulus* heavenly light, Acts 12. 7
Inchanting *Elimas* he reav'd of ſight;
Did *Lidia* and the Jaylour both convert, Acts 13. & 16.
And did the holy Ghoſt to twelve impart, Acts 19. 16.
And they ſtraitwaies ſpake ſeverall tongues moſt plain,
And I believe he're went to ſchoole again.

If

If Napkins or handkerchiefes did but touch
The corpes of *Paul*, the force of faith was ſuch,
That fiends did flie, and vexed ſoules had reſt;
And from poſſeſt men devils were diſpoſſeſt,
And were but ſome of you well hang'd or whip'd,
And that your ſhirts were from your corpſes ſtrip'd
Or elſe your whip, or halter well would try,
If (by their touch) they'd make the devils flie,
And leave poſſeſſion, I dare lay my life
There's many a man would uſe them on his wife.
But no ſuch vertue doth from you enſue,
For if there did, the devill would flie from you.
Sweet Brethren of the Sect of *Ignoramus*,
You that deſpiſe *Te Deum* and *Laudamus*,
You that doe for our humane learning blame us,
I wonder what Religion you would frame us;
You, without any learning, barbarous, rude,
How dare you ſacrilegiouſly intrude
In Church-affaires, not being call'd or ſent,
And with your brazen faces impudent,
To pick Gods ſecret Cloſſet ope, and pry
(Moſt ſaucy) In th'Almighties ſecrecy:
Is't not enough, you have his Will reveal'd,
But you'le needs know his ſecret will conceal'd,
Break up the cloſſet doore, and boldly get
Into th'eternall, heavenly Cabinet.
This is a theft contemptible moſt high,
(Tranſcendent Felony and Burglary) (looke
And thoſe proud thieves, at doomes day muſt not
To be repriev'd, or ſaved by their booke.
Some there have been, ſo malapertly mad,
To gueſſe what talk Chriſt with the Doctors had:

To

To know where *Moses* body buried lies,
Where Edens garden was, or paradise,
What God did doe before the world he fram'd,
And where hell stands (appointed for the damn'd)
These curious Constables would search and peepe
Through heaven, earth, sea, aire, and th infernal deepe,
And for their needlesse studies, paines, and care,
They do conclude (like Cox-combs) as they are,
In boasting knowledge they themselves advance,
When all their skill is blinded ignorance.
All you of this pure self-conceited Sect,
That brag your selves to be the Lords Elect,
Me thinkes it is too much for you or yours,
To be Gods Courtiers, not his Counsellours;
Where have you that rare revelation found,
The Scriptures closest mysteries to expound;
Is it because you wit and learning want,
Or will the truth dwell with the ignorant:
Must the best preachers be unlearned fooles,
Then downe with Universities and Schooles,
Your Libraries, your Halls, and Colledges,
If ignorance surpasse your knowledges.
The word of God was faithfully translated
By learned men, o're-spread and propagated;
'Twas done by Scholers, had it not been done
Till you had dourt, we all had been undone.
Ye'r bid to search the Scriptures, tis confest,
You are not bid the Scriptures sence to wrest,
To metamorphole, alter, wring, and wrie
Gods Word according to your fancie,
Ye'have leave to heare, or reade it, tis not fit
You, or your Kennell should interpret it;

For should we trust to your interpretation,
We should have an unhandsome Congregation.
When God declar'd his Law in dreadfull thunder
Upon Mount Sinai, full of feare and wonder,
Exod. 19. 12. 'Twas present death to any that was there,
That dar'd to touch the hill, or come too neere.
When as the Ark was back return'd again,
That seven monthes with the Philistines had lain,
Then fifteen hundred Bethshemites were strooke
2 Sam. 6. 19. Stark dead, for daring in the Ark to looke.
When *Vzzah*, fearing that the Ark would fall,
2 Sam. 6. 7. Put to his hand, was straight strook dead withall,
His office only was to drive the Cart,
To touch the Arke was no part of his part.
Since *Vzzah* for his good will to hold up
The falling Ark, did taste deaths bitter cup:
Since those that once to looke into it dar'd,
Or those that touch't Mount Sinai were not spar'd,
What can a Gobler look for, or a Knave,
Who in the Church (or Arke) no function have?
Yet dares most lucily to preach and prate
Against all orders, learning, Church, and State.
It is most lamentable that so far,
Men so besotted, or be-devill'd are,
That witlesse Rascals are held more divine,
Then *Ierome*, *Ambrose*, *Gregorie*, *Augustine*,
Or all the ancient Fathers, (in a word)
Their learnings and their labours held absurd,
By scabs, and vaglets, of no worth or merit,
But impious boasting of th'inspiring Spirit;
And had each one of you his right and due,
Your spirit should be sharply whip'd from you,

And when you felt the acutenesse of the lash,
You would esteem your doctrine Balderdash.
For in Saint *Austins* time, he made complaint,
That eighty two Sects did the Church taint;
Since when, could I all Heresies recount,
The number (trouble) treble will amount;
Yet in that Fathers dayes, that reverend man
Did ne're heare of the Sect call'd Puritan,
And sure the name of Puritan doth yeeld,
A good mans nickname, and a bad mans shield;
It is a cover for a cheating Knave,
And 'tis a jeare, a good man to deprave;
But both the good and bad, what e're they be,
They get no name of Puritan from me.
I write of Separatists, and Schismatiques,
Of shallow-pated, harebrain'd Heretiques,
Such as doe make the Text a Lesbian rule,
Whose faith or reason (like the Horse or Mule)
Whom neither Law, or sence can curb or bridle,
Who ne're are well imploy'd, nor never idle.
A man may well compare those Separatists
Unto the hot Gun-powder Romanists;
For though they doe each other deadly hate,
And one the other faine would ruinate,
Yet both in their conclusions doe agree,
The ruine of our Church and State to be.
Their head's (like *Sampsons* Foxes) sundred wide,
But yet their tailes are fast together ty'd;
For both doe joyntly joyn, and both desire,
With fire-brand zeale to set our Corn on fire.
To spoile our Government established,
And (through the world) most famous published,

They joyne together to conſume and burne,
And with confuſion waſte and overturne
All ancient order, rule, and decency,
And doctrine, from the prime antiquity.
Thus both the grounds, & aimes of both thoſe Sects
Agree both (in their tailes) for their effects, (ſever,
How er'e their heads, Eaſt, Weſt, South, North, may
Their ends are one, to ſeek our downfal ever.
And of theſe two oppoſers (I'le bar ſwearing)
'Tis hard to know which barrell's better Herring:
But (of the twaine) a man ſhall alwaies finde
The Schiſmatique moſt obſtinate inclin'd,
And the more ignorant he is, the worſe,
Moſt ſtubborne, ſenceleſſe, ſhallow in diſcourſe;
The Papiſt makes ſome ſhew of wit and ſence,
And ſeeming reaſon for his falſe pretence,
And from him I may ſomething gain, whereby
My faith (more firmly) I may fortifie;
For though I doe not credit his diſpute,
Yet (by diſputing) I may gaine ſome fruit.
But from the other ſide I dare preſume,
I ſhall have nothing elſe but froth and fume,
With haſty anſwers, peeviſh, teſty, ſnappiſh,
Untoward, wayward, nonſence, fruitleſſe, apiſh.
Theſe, none but theſe hold learning in diſdain,
And all for uſe divine, accurſt, and vaine,
All humane knowledge therefore they deteſt,
Th'unlearn'd (they ſay) do know the Scriptures beſt.
That humane learning breeds confuſion,
Moſt fit for Egypt, Rome, and Babylon,
And that the learned ones were, are, and ſhall
Be ignorant of humane learning all.

Theſe

Theſe with ſome other idle fancies mix'd,
In their unfix'd opinions are all fix'd.
But ſtay (my Muſe) hold, whither wilt thou gade?
The learned Reader ſure will thinke thee mad,
Becauſe thou art ſo tiring, tedious, long
About theſe Screetchowles with thy Cuckoes ſong:
And though I ſeeme thoſe Caitiffes to condemne,
Yet idle babling makes me ſeeme like them,
'Tis beſt therefore, no longer time to ſpend,
But ſome few lines, and briefly make an end.

A Zealous brother did a ſiſter meete,
And greeted ſweetly in the open ſtreete;
Thou holy woman, where haſt been ſaid he,
I came from a baptizing Sir (quoth ſhe)
Pray whoſe childe was it (he again requires)
She anſwerd, ſuch a Taylors in Black-fryers,
Hee's one of us, the man reply'd again,
Hee's one (quoth ſhe) that doth the truth maintain;
Quoth he, what might the childe baptized be?
Was it a Male SHE, or a Female HE?
I know not which, but 'tis a Son ſhe ſaid,
Nay then (quoth he) a wager may be laid;
It had ſome Scripture name, yes, ſo it had
Said ſhe, but my weak memorie's ſo bad
I have forgot it, 'twas a godly name,
Though out of my remembrance be the ſame;
'Twas one of the ſmall Prophets verily,
It was not *Eſay*, nor yet *Ieremie*,
Ezekiel, *Daniel*, nor good *Obadias*,
And now I doe remember, 'twas *Golias*.

ANother ſiſter (as the Spirit rap't her)
Said to her Boy, come ſirrha, reade a Chapter:
The Boy por'd on the Book, and fumbling ſate,
And had more minde to be at Ball or Cat;
His mother ſaid, why doſt not reade thou knave.
The Boy ask'd her what Chapter ſhe would have?
Thou paltry Imp (quoth ſhe) canſt thou finde none
'Twixt Geneſis, and Revelation;
To learne thy duty, reade no more but this,
Pauls nineteenth Chapter unto Geneſis.

ON London Bridge I lately did conſer
About ſome buſineſſe with a Stationer:
A young man came into the Shop, and ſought
Some holy Ballads, which he view'd and bought,
And there he pray'd the Shop-keeper to looke
The Epiſtles of Saint *Ovid* (a fine Booke)
Upon Saint *Peter*, *Paul*, *Iohn*, *Iude*, or *Iames*,
They will not put the Saint unto their names,
But yet their ignorance impure, preciſe,
A heathen Poets name can Canonize.

ONe *Mapleton*, at Reding late did dwell;
Becauſe his fleſh did gainſt his minde rebell,
He cut it off ſo cloſe unto the ſtumps,
That he ſcarce left himſelfe a piſſing pumpe;
And hee's one of thoſe wiſe men, and were good
That all the Tribe of his ſweet Brotherhood

Would

Would follow his example on themselves,
Then they would not beget more froward Elves.
Then peace and rest our Church and State should
All windmills, and vagaries of the brain (gain;
Would from unquiet *England* banish'd be,
And from disturbance we should soon be free.
These, with the rest (unknowne) may be compar'd,
Whose love to learning I have plain declar'd.
To wofull passe our Church were quickly brought:
If these companions had but what they sought,
From Rome, from them, from all that wrong us thus
Good Lord of Heaven and Earth deliver US.

AMEN.

Postscript.

IF Prelates have by fraud, or frailty slip'd,
My Pen shall not in Gall of Aspes *be dip'd;*
I'le pray we may have better in their places,
Whom Grace may guide, to shun the like disgraces;
Let tradesmen use their trades, let all men be
Imploy'd in what is fitting their degree,
And let the Pastors Urym, *and his* Thummim
Be upright, and sincere (as doth become him)
Let each man doe his best, himselfe t'amend,
And all our troubles soone will have an END.

'Tis madnesse, that a crew of brainlesse blocks
Dares teach the learned what is Orthodoxe.

CANTERBVRIES DREAME:

IN WHICH

The Apparition of Cardinall *Wolsey* did prelent himſelfe unto him on the fourteenth of May laſt paſt:

It being

The third night after my Lord of STRAFFORD had taken his fare-well to the WORLD.

Printed in the yeare 1641.

CANTERBVRIES
DREAME.

ON the fourteenth of May, betwixt the houres of twelve & one, when the night was growing towards the morning, and darkneſſe did yet incompaſſe me, my unquiet thoughts did interrupt my ſleep, and the terrour of the afflicting place wherein I lodg'd, did poſſeſſe my ſoule: (whether awake, or in a viſion I cannot ſay) but me thought, the reverend ſhadow of Cardinall *Wolſey* did preſent himſelfe unto my view, and with a gracefull and Majeſticke gate, accoutered with thoſe habiliments which did become his honours, he walked thrice by the ſide of my bed, and waving his left hand to me, hee leaned himſelfe at his third returne, upon his Croſier ſtaffe,

and with a ſoft voyce hee whiſpered thrice into my eare, My Lord, my Lord, my Lord.

Though my faith in the great redeemer of the world, my Lord Jeſus, to whoſe Name without ſuperſtition I ſhall ever bow, had prepared and confirmed mee to over-looke all feares and dangers which fraile fleſh doth ſtoop unto, I was amazed at the preſence of the man, and by his proud deportment being not able well to diſtinguiſh whether it was the Cardinall *Wolſey*, who had Kings to his favourites; or whether it was the Cardinall of Richeleau, who had *Balzac* to his ſervant; my diſputing thoughts made up to my firſt preſumption, that it was indeed Cardinall *Wolſey*; and the rather, becauſe the honeſty of Philoſophy doth inſtruct mee, that no ſublunary creature can make an intuitive diſpatch, but being bound by the juriſdiction of Nature, to obey her termes of place, cannot move at once in two ſeverall places, though oftentimes the abuſed fancy preſents unto it ſelfe the counterfet and phantaſticke bodies of abſent friends or foes, the fancie being overcome by the dominiering paſſions of love or hatred. But the Cardinall to cut off all doubtings, began thus to ſpeake unto me: My Lord, the newes of your greatneſſe, and the noyſe of the falling Epiſcopacie, hath rouz'd me from the ſloath of death, to underſtand what new ambition could prompt againe the Miter to aſpire unto

to a parity with the Crowne, what policies could ſupport ſo bold an enterprize, what ſpirit give warmth unto ſo dangerous a worke. I gave no anſwer at all; whereat, either indignation of heart, or in aſſuming unto himſelfe by my ſilence, a greater liberty of language, he thus proceeded: My Lord, I had thought after my fate, that no man would againe adventure to preferre the pomp of this vaine world to the ſervice of Almighty God, & the cares by him injoyned to his charge. My Lord, you might have read in the example of the right reverend Father in God, *Thomas Becket*, ſometimes Archbiſhop of Canterbury, and in my ſad legend, how dangerous it is for Prelates to nouriſh ambitious thoughts; and that the higheſt glory of the Church is the humility and the harmony of the Prieſts; but becauſe that men blowne up by Fortune, will ſwell themſelves into any deſigne, be it never ſo impoſſible: what flattering conceit did tempt you in your pride of heart to magnifie your Grace with mine, in a time when the Engliſh Clergie lived not in that pompe and flouriſh as in my dayes they did; when their beſt revenewes lye impropriated to certaine Lay perſons, and when it is almoſt impoſſible to obtain or to hope for a recovery.

I had a great minde to give him that anſwer which his cauſe deſerved, but having quite abandoned this world and anchored my faith on Jeſus

Christ, I lay silent while he thus proceeded. My Lord, never dreame to make such parallels perfect, I must confesse my parentage was as low as yours, my education in the University was in *Magdalen* Colledge of Oxford, as yours of Saint *Iohns*; Indeed my growing honours received not that priviledge to bee President of *Magdalen* Colledge, as you were of the other, my nobler wing did soare to a brave height, and though the Chronicler who for all his name makes more hastethen good speed, delivers me to be a Schoolmaster; I was in Oxford Tutor to my Lord of Dorsets sonnes, a charge that calleth for the indowments of an honest & an able man. *Alexander* was more obliged to *Aristotle* for his education, then unto *Philip* for his Kingdomes, as it is a greater honor to be a Christian then to be a man: God elected me to be an Embassadour to his people, & *Henry* the 7. to be an Embassadour to a most royall Prince, besides the honour of the Cardinalls cap, and the broad seale of England. I sate at once in seven Episcopall seas, and the Primat of England (which is the greatest dignity that ever you arrived at) was content to have his Crosses and his traine to follow the Metropolitans of Yorke: I lived as gracious in the eye of my Soveraigne as your self, though it was your happinesse to meete with a Prince of a more excellent and a more constant temper. Earles have beene proud upon their

knees to take the assay of my wine ; It is true indeed, that you have countenanced learning and the Muses, and have beautified and improved their habitations, but not in my magnificent way : The hatred of the Commons hath beene unto us alike, and some great men in both our times have griveously accused us : I was condemned as the causer of all heavy impositions, and my Lord how you can purge your selfe from that accusation, you best can speake ; what though Sir *Amias Paulet* was by my meanes for the space of sixe yeares retained a prisoner in the midle Temple, I doubt not but you have made more then one man suffer, and have put them to a harder if not a longer durance. The ruine of us both was indeed in both our times the joy and the voice of the people, and for the many barrells of gold and silver which I extorted from the Commons to release the captive Pope, I doubt not but you have found new waies to raise as great sums, and for what ends (my Lord) your selfe best know. My Lord let not your selfe or succeeding ages, make you my parallel, for though you equall me in my errors, I surmount you in my honours and magnificence: much more I have to say, but this is the third summons of the Cock and to fill the number up, I must returne unto the children of night; I was preparing to make my answer to him, but immediately he vanished from my sight,

but

but with a louder voice then before as he turned his backe, I heard him to utter these or the like words: My Lord though I depart I muſt leave you behinde me, wherein your fate hath prevented the condition of many your late State delinquents, who make a common cuſtome, as they ſay, firſt to offend, and then to run away.

FINIS.

4

A DISCOVERY

To the prayſe of God, and joy of all true hearted *Proteſtants*, of a late intended plot by the *Papiſts* to ſubdue the *Proteſtants*.

Being a true Copie of a Diſcourſe between William O Conner *a Prieſt*, and *Anne Huſſey* an *Iriſh* Gentlewoman: as it was brought and confirmed by oath in the Parliament Houſe.

Printed *Anno*, 1641.

A Diſcourſe betwixt *William O Conner* a Prieſt, and Servant to the Queen-mother, and *Anne Huſſey* an *Iriſh* Gentlewoman of the Houſe of *Galtrum*, uſually working at Miſtris *Pinoks* Houſe a Schoolmiſtris on the backſide of *Lions* Inne in the *Strand, at ſeverall meetings of theirs ſince* Eaſter 1640. *in theſe words, or to this effect.*

Anne Huſſey comming to Goodwife *Walker*, a ſtocking mender in the Strand, who ſaid to mee, I would your Countryman were as honeſt as you, that lyes at my houſe, then I asked her, who hee was? Goodwife *Walker* anſwered mee, and ſaid hee is a Prieſt, and a ſervant to the Queen-mother, and if any had wit to ſearch it out, they would find out a great deal of Treaſon in him, then I ſaid to Goodwife *Walker*, if you will be true to me, and not diſcover me to be a Proteſtant, I will fetch it out of him if I can, and Goodwife *Walker* promiſed, that ſhee would not diſcover mee, ſo the next day early in the morning, I went up to his chamber at the ſaid Goodwife *Walkers* houſe, and

was directed to it by her Husband, and when the Prieſt had opened his door, and I in his chamber, he asked me, if I knew him? I anſwered no, but I inquired for an Iriſhman, that came with the Queen-mother, and hearing that he was one, I was bold to come up to him, to entreate him to enquire for an Uncle of mine, one Maſter *Nicholas Huſſey* (a Prieſt) at the Spaniſh Ambaſſadours, whether he was alive, or come over into *England*, *William O Conner* anſwered me, why doe you not go and enquire your ſelf? I anſwered, I being a woman, was loath to goe amongſt ſo many men.

Prieſt. Are you a Catholike?

Huſſey. I was born, and bred one.

P. What houſe of *Ireland* are you of?

H. Of the houſe of *Galtrum.*

P. They are Royall Catholikes, and worthy people, then he asked mee what my name was? I told him *Anne Huſſey*, ſo hee brought mee to Miſtris *Pinocks* houſe, and ſo departed for that time.

At a ſecond meeting on Saturday after, *William O Connor* the Prieſt came againe to Miſtris *Pinocks* houſe to aske for mee, and deſired mee goe drinke with him at a Tavern, which I refuſed, but went with him to one Maſter *Hils* an Alehouſe, and there we fell into this following diſcourſe.

H. I told him I was troubled in minde about one thing that I deſired to know.

P. You muſt relate it to a Prieſt.

H. If I knew an *Iriſh* Prieſt, that would tell mee faithfully, I would.

P. I am one my ſelfe, and immediatly he croſſed me over the forehead.

H. I

H. I asked him, whether the number of the proteſtants, or the papiſts in *England* were the greateſt?

P. He ſaid the papiſts were.

H. Then they will conquer our Country (meaning *Ireland.*)

P. Firſt, we muſt begin with *England.*

H. How, or in what manner will they begin with *England?* and when will it be?

P. When the King goes to *Scotland.*

H. There is no hope of the Kings going to *Scotland.*

P. I'le warrant you he doth.

H. Can not you procure me Letters from beyond Sea, to help me to be a Nun.

P. It is a hard taske for you to performe, to be a Nun.

H. Why, I can live chaſt, I never mean to marry.

P. Although you do not marry, you may ly with a man.

H. I but that is a ſin.

P. But the Prieſt can forgive it.

H. I know he can.

P. Yes you may ly with a man, ſteale, kill a man, or any man may kill a King, for the advancement of the Church of *Rome*, and the Prieſt can forgive him.

H. I have heard there is a proteſtant book called a Bible, and by their report it ſaith, *that whoſoever ſheds mans bloud, by man ſhall his bloud be ſhed,* and we muſt feare God, and honour the King, and pray for the King, that wee may live a peaceable, a quiet, and a holy life.

P. For your life read not that book, for I wil not

read it for a thouſand worlds, and further ſaid, whether doe you goe to Maſſe?

H. To a private houſe I doe goe.

P. I praiſe God there is many of them, and bid me come next day (being Sabbath day) to Saint *Jameſes*, and I ſhould heare him ſay Maſſe before the Queene-mother.

H. I have buſineſſe to morrow, that I cannot go thither to Maſſe, nor to any other place, but will ſome other time.

So ended our diſcourſe at that time.

At an other meeting, &c.

H, At his requeſt I went to his Chamber at Miſtris *Scarlotts* houſe in Coven Garden, in Blackmoore ſtreete, at the ſigne of the Sedan (about a fortnight after) one day in the after noone, where I found him upon his Bed, and hee gave mee three ſhirts of fine holland of about ſixteene ſhillings an ell (as they were judged) to mark for him upon the breſt or boſome, in this manner following.

Ieſus Maria.

William O Conner.

At which time hee ſhewed mee his beads, and other knacks, and clothes made of black pluſh, ſcarlet, and as I think a hairecolour ſatten, after this I left him and carried away the ſhirts to bee marked, but inſtead of marking them as hee directed, I marked them onely with a Crucifix and his name, and the ſame night about nine of the clock, hee came to mee for his Shirts, and brought an Iriſh man with him in a long gray coate, with a ſword girt cloſe to his ſide,

under

under his arme, I asked the prieſt who he was?

P. He is one of the number of 7000, that is in private pay, and in readineſſe to aide the Catholikes, & to cut the proteſtants throats that ſhould reſiſt them.

H. What office hath this man with them?

P. Hee is one that blows the Pipe, with the Drum.

H. Let mee ſee it, and immediatly hee drew it out and would have played on it, but I deſired him to forbeare, leſt hee was diſcovered, which adviſe they liked well, and praiſed me highly, and offered me the lives of any, that I would deſire to be ſaved.

And ſo they departed.

About the latter end of *July* 1640, he came to me at Miſtris *Pinock's* houſe aforeſaid, and ſaid he came upon great occaſion, and in great haſt, and he muſt immediatly return back.

I asked him the occaſion?

P. I have three Letters from the Queen-mother, to be delivered to three Ambaſſadors, the *Spaniſh*, the *Venetian*, the *French*.

H. Wherefore?

P. To ſend to the Pope.

H. Can you doe nothing without the Popes leave?

P. Either by himſelf, or his Legate, wee muſt know when to begin.

H. To begin what?

P. The ſubduing of the Proteſtants.

H. I doe not like their fury, if they once draw the ſword, they are like Lions.

P. What are they, if their King be cut off?

H. You can never overcome the King by the Sword.

P. If we cannot that way, we can another.

H. How?

P. Do you think my Lady and Queen is a fool?

H. I do not think ſhe is a fool.

P. If no hand will do it, this hand ſhall.

H. Do what?

P. Kill him.

H. Who?

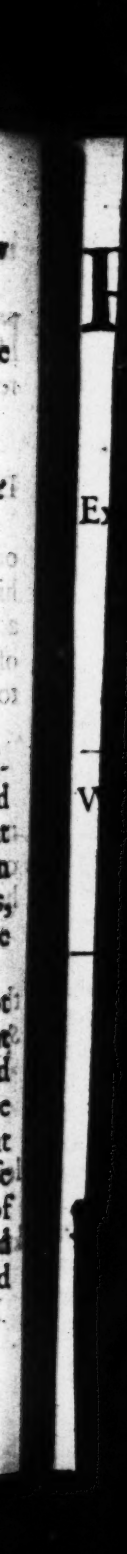
P. The King.

H. What, you kill the King?

P. Aye, kill an Heretike at any time for the advancement of the Mother-church of *Rome*, and ſwore by Saint *Francis*, and Saint *Dominick*, that he would doe it, and promiſed to come again, on Munday after, to pay me for marking of his ſhirts, and to beſtow ſome Bracelets upon mee, but hee never came to me afterwards.

This *William O Conner*, the Prieſt, would not ſuffer me to ſpeak a word in all this diſcourſe, but in *Iriſh*, and confeſſed he hath bin long employed by the Queen-mother in her buſineſſe with all the Princes in Chriſtendome, and with the great Turke, and hee profeſſed further to Goodwife *Walker*, (as ſhee told me on Munday laſt) much of his care in the keeping of the Queens ſecrets, and that he would be burnt in a fire before hee would reveal them.

FINIS.



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THE PETITION AND ARTICLES

Exhibited in Parliament againſt Doctor *Heywood*, late Chaplen to the Biſhop of CANTERBURIE,

By the Pariſhioners of S. *Giles* in the Fields.

With ſome conſiderable circumſtances (worth obſerving) in the Hearing of the Buſineſſe before the grand Committee for Religion, and of his demeanour ſince.

London printed. 1641.

TO

THE HONOVRABLE, the Knights, Citizens, and Burgeſſes of the Commons Houſe in Parliament,

the humble Petition of divers of the Pariſhioners, of the Pariſh of Saint *Giles* in the fields, in the County of Middleſex.

Moſt humbly ſheweth,

THAT we live under the paſtorall charge of one *William Haywood* Doctor of Divinity, who hath lately publiſhed in ſundry Sermons by him preached in his Pariſh Church moſt damnable and erronious Doctrines, full of groſſe Popiſh tenents. And whileſt he was Houſe Chaplaine to the Archbiſhop of Canterbury, did licence a Booke Intituled, *An Introduction to a devout Life*, containing the like Popiſh Doctrines, all tending to the drawing away and ſeducing of the reſpective Readers and Hearers from the true Orthodox faith, and to the upholding and advancing of the Popiſh Religion, whoſe practiſe in Church diſcipline, is ſuperſtitious and Idolatrous; manifeſted by ſtrange anticke jeſtures of cringings and bowings, by uſing and approving of many Antiquated obſolet and Popiſh Ceremonies; both in the Admi-

niſtration of the holy Sacrament of the Lords Supper, and in other holy duties: Contrary to the Lawes eſtabliſhed within this Realme, in whoſe Pariſh Church aforeſaid, are ſet up Crucifixes, and divers Images of Saints, and likewiſe Organs, with other confuſed Muſicke hindering devotion, are maintained to the great and needleſſe charge of the Pariſh. The particulars are contained in a Scedule annexed, all tending to the great diſhonour of God, the violation of his holy truth, to the abuſe of his holy Ordinances, to the utter ſubverſion and overthrow of the true Religion eſtabliſhed, to the unſpeakeable griefe of our hearts, who deſire onely to ſerve the Lord according to the rule laid downe in his holy Word, and who are hereby forced againſt our wills, to ſeeke out the ſincere ſaving truth in our neighbouring Churches, not being able to heare, and in our conſciences not daring to joyne in ſuch Idolatrous worſhip, all which we are ready to make good, as this Honourable Aſſembly ſhall appoint.

And therefore we doe moſt humbly pray that this Honourable Aſſembly will take ſuch a courſe for his removall, that we may hereafter enjoy a faithfull Paſtor, who may diſpence unto us Gods Word and Sacraments in our Pariſh, according to Gods owne Ordinance, without the ſuperſtitious mixture of humane Inventions. And we ſhall pray, &c.

Some of the particular Erroneous Popiſh Doctrines preached in the Pariſh Church of Saint Gyles in the fields, aforeſaid, by William Haywood, *Doctor of Divinity.*

I.

HE affirmed that a Miniſter hath power to remit and retaine ſinnes, and not declaratively, or Miniſterially

ministerially onely, as (he said) some would have it, but actually and absolutely. And for proofe whereof he cited *John* 20.23. *Whosesoever sinnes ye remit, they are, &c.*

II.

2 He affirmed that every man in his naturall condition is by the fall of *Adam* wounded onely, and but halfe dead, which he preached the seventh of June last past, on the Sabbath day, and proved it from *Luke* 10 30. *A certain man went downe from Jerusalem to Jericho, and fell among theeves, who stripp'd him of his raiment and wounded him and departed,* Leaving him halfe dead.

III.

3 He affirmed that the Virgin *Mary* was free from, and without any mortall sinnes, which he preached lately on a Sabbath day, on *John* 2.4. *Jesus saith unto her, Woman what have I to do with thee, &c.*

IV.

4 He affirmed that Confession to the Priest of our particular sins, is very necessary to the forgivenesse of sinne, and that they who did not do it, were guilty of a great sin. *Cum multis aliis*, (had they been noted.)

Particular Erroneous, Popish Doctrines contained in a Book Intituled, An Introduction to a devout life, *(lowed (with a large approbation) by the said Doctor to be Printed, whilst hee was House Chaplaine to the Archbishop of Canterbury.*

1 To pray is a remedy against temptation; but if that faile, Then hastily run in spirit to the Crosse of our blessed Saviour Jesus, imagining thou seest him hanging thereon before thy face; and imbrace, as it were, the foot of the Crosse upon thy knees, laying fast hold upon it as upon an assured Sanctuary, *page 591. chap. 7.*

2 Stir up thy heart other times with corporall gestures of outward devotion, prostrating thy selfe upon the ground, laying thy armes a crosse before thy breast, imbracing his Image, which Exteriour Acts are onely to be used when thou art retired alone in some secret Closet, *Pa. 159. Cha 9.*

3 By neceſſary obedience thou muſt obey thy Eccleſiaſticall ſuperiour as the ſupreme head of Chriſts Church; Alſo Arch-biſhops, Biſhops, Paſtors, and ſuch as are their Deputies, Thou muſt obey thy Civill Superiours, to wit, the Princes and Magiſtrates, but ever in that which he hath charge over us; As in that which belongs to Civill Policy, and publike affairs, we muſt obey our Prince; Our Prelate in that which belongs to Eccleſiaſtical matters, *p.* 366, 336. 339. *c.* 11.

4 Call to the Saints of heaven, our bleſſed Lady, thy good Angell, and the reſt of the Saints to whom thou hait an eſpeciall devotion, to keepe thee in the way to heaven, *Page* 691. Pray for the whole Church of God, employing and imploring, to that end the interceſſion of our bleſſed Lady, *Page* 149. When thou commeſt before thy ſpirituall guide, imagine thy ſelfe to be on Mount Calvary, kneeling right under the feet of Jeſus Chriſt crucified, &c. *Pag.* 10.

5 An example of the practiſe of good thoughts, by S. *Anſelme* Archbiſhop of Canterbury: a Leveret ſtarted and ſore preſſed by hounds, as this holy Prelate went on a journey, ran under his horſe, as to the beſt place of refuge, that the imminent danger of death ſuggeſted, barking and bragging round about, durſt not preſume to violate the Sanctuary, to which their pray had taken recourſe, *P.* 183, 184.

6 Examples of good and manfull courage of Saint *Francis*, and Saint *Bennet*, who feeling the great temptations of the fleſh which they ſuffered, the one caſt himſelfe naked into the thornes, and the other into the Snow to mitigate them, *Page* 571.

7 Now certaine it is that imperfections and veniall ſins, doe not take from us the life of grace, for that is never loſt but by deadly ſin. The onely care then that remaines, is, that theſe imperfections doe not daunt our courage, *Page* 31. for a *veniall* ſinne, be it never ſo little, diſpleaſeth Almighty God, though not ſo hainouſly, that he will damme us for it, *Page* 112.

8 It is *no* hainous ſinne (ſay *Philotheus*) to tell ſome little

little lie in paſtime, to exceed ſomewhat in needleſſe talke, in careleſſe lookes, in apparell, in mirth, in play, in dancing, and ſuch like toyes, *Page* 114.

9 In the Sacrament of Marriage, the Prieſt halloweth the wedding Ring, *Page* 520.

10 Our bleſſed Saviour hath inſtituted the *venerable* Sacrament of the Euchariſt, which containeth *really* and verely his fleſh and blood, to the end that he that eateth it ſhould live eternally, *Page* 219. in which he doth annihilate himſelfe in a manner, and turneth himſelfe into our celeſtiall food, that ſo he may feed and nouriſh our ſoules, and make his intrinſecall abode for ever within the hearts and bodies of his faithfull ſervants, *Page* 230.

11 As for bodily diſeaſes, none are lawfull impediments from participating of this holy Sacrament, ſave onely thoſe which provoke much vomiting, *Page* 226.

12 To communicate every eighth day is requiſite, neither to be guilty of mortall ſin, nor of any affection to veniall ſinne, *Page* 227.

Doctor *Heywards* Superſtitious and Idolatrous manner of adminiſtration of the Sacrament of the Lords Supper, in the Pariſh Church of Saint *Gyles* aforeſaid.

¶ The ſaid Church is divided into three parts: the *Sanctum Sanctorum* being one of them, is ſeparated from the Chancell by a large Screene in the figure of a beautifull Gate, in which is carved two large pillars, and three large ſtatues: on the one ſide is *Paul* with his ſword, on the other *Barnabas* with his Booke, and over them *Peter* with his Keyes, they are ſet above with winged Cerubims, and beneath ſupported with Lions.

Seven or eight foot within this holy place is a raiſing by three ſteps, and from thence a long raile from one wall to the other, into which place none muſt enter but the Prieſts and the Subdeacons, this place is covered before the Altar with a faire wrought Carpet, the Altar doth ſtand cloſe up to the wall on the Eaſt ſide, and a Deske raiſed upon

that.

that with degrees of advancement; this Deske is overlaid with a covering of Purple Velvet, which hath a great gold and silke fringe round about, and on this Desk is placed two great Bookes wrought with needle worke, in which are made the pictures of Christ, and the Virgin *Mary* with Christ in her armes, and these are placed on each side of the Deske, And on this Altar a is double covering, one of Tapestry, and upon that a long fine Lawne cloth, with a very rich Bone-lace. The walls are hanged round within the rayle, with blue silke Taffata Curtaines. In the exteriour Acts of administring the Sacrament; For the preparation to this duty, the said Doctor and three Subdeacons doe all goe from the body of the said Church unto the West end, being there cloathed according to their Order, some in Scarlet, silke, and fine linnen, they bend their course towards the East, every one at their first entrance saluting the Church dore with low Congies, then they all move to the middle of the Church, where they all ducke downe towards the East, then they all advance to the beautifull gate, where they stand; Then every one bowing to the ground three severall times as they goe. They enter into the *Sanctum Sanctorum*, in which place they reade their second Service, and it is divided into three parts, which is acted by them all three, with change of place, and many duckings before the Altar, with divers Tones in their Voyces, high and low, with many strange actions by their hands, now up then downe, This being ended, the Doctor takes the Cups from the Altar and delivers them to one of the Subdeacons who placeth them upon a side Table, Then the Doctor kneeleth to the Altar, but what he doth we know not; nor what hee meaneth by it. This dumbe devotion being ended, and the Altar more holy, the Cups are returned to him in the same manner as he gave them, which the Doctor receives kneeling, and so doth he place them upon the Altar, with great adoration, in the bending of his body, and in

touching

touching each of them with his finger. The bread being ſet upon a Plate, and ſome of the wine powred into a bowle, all are covered with a fine linnen cloth; which cloth hath the corners laid in the figure of a croſſe. This being ended, he continues in his dumbe devotion on his knees towards the Eaſt, his backe being towards the people, he taketh money out of his pocket, and laieth it on the ground for a time, and then he taketh it up, and offereth it, being on his knees with a very great bending of his body to the Altar, which gift is reſerved in a Baſon onely for that uſe. In theſe dumb devotions of his, the Organs Play in a dolefull low tune. When this is finiſhed, the Doctor begins the Conſecration, which being ended, the number of beckings, bowings, and bendings, by him and the Subdeacons before the Altar, are impious, ungodly, and abominable to behold.

Theſe Articles were all proved before the grand Committee for Religion, which appeared to be farre worſe, by the circumſtances declared by the witneſſes: For it was proved, that when that Popiſh Book was Printing, the Printer ſeeing ſuch groſſe Popery in it, commanded his Workman to ſtay his hand, till hee ſpoke with the Licencer: ſo he tooke his Corrector of his Worke, (being a Maſter of Arts) with him, and ſhewed the Doctor divers Popiſh paſſages in the Booke, ſaying he durſt not Print it, asking him if he had not overſlipt the reading of them. Hee looked on thoſe they ſhewed, and gave the Printer order to goe on with the Booke, he would juſtifie it, and would preach the ſame before the King his Maſter (he being now his Majeſties Chaplen preferred thereto by *Canterbury*) It was proved that (the book being called in by warrant, &c.) the Printer was troubled and put into the Purſivants hands, threatned with Starre-chamber, except hee would deliver up the originall Copy by which he printed, which he refuſed to doe, for that it is ever their cuſtome to keepe originals by them for their owne ſafe-

guards if they ſhould be queſtioned, to ſhew the Licence, &c. But at length hee by promiſes and threats, was conſtrained to deliver up the Copy wherein the Licence was witten by the Doctours owne hand. Which being got, the Doctour or others for him did procure a Proclamation to bee ſet out, wherein it was declared that the Printer and the Authour had conſpired, and had put in all the Popery after it was licenſed, the Printer being then diſabled to prove the contrary.

At the hearing of the buſineſſe before the Committee, the Doctour was asked in what places it was altered from that he licenced. Hee anſwered, in Page 691. Article 4. He allowed it to bee read, *Call to minde the Saints of Heaven, &c* and the Printer had left out the word *minde:* but what ſtuffe it is ſo read was obſerved then by the Committee.

It was proved that a Pariſhioner of his being ſeduced to Popery by a Romiſh Prieſt and others, the Doctour was intreated to admoniſh and reclaime her: and though hee had beene ſolicited three or foure ſeverall times, yet he refuſed, although he came to the next doore (to dinner) where ſhee dwelt: her husband being ſomewhat importunate the laſt time to have him conferre with his ſeduced wife, hee was very angry with him, and wiſhed him not to trouble him.

Another woman being perverted, her husband got her to goe to the Doctour, hoping by his councell and reaſons, to have reclaimed her: inſtead whereof, hee confirmed her, in ſaying, that Salvation might bee had in the Church of *Rome*: which though it were, true was very unſeaſonably ſpoken, and ſhewed that hee had no great deſire ſhee ſhould returne.

He hath cauſed the *Proteſtation* to be read and taken in that ridiculous, abſurd, and diſdainfull manner, with much ſcorne and jeering, that the Pariſhioners that are forward and

and well affected to that juſt and pious act become the ſcorne and laughter of their neighbour Papiſts, and to divers of the Veſtry, his Creatures, of whom none hath taken it as Pariſhioner, nor one word ſaid to encourage others to take it in Pulpit or elſe where, but much to the contrary.

Many other things as bad as theſe could have beene proved, but what was already heard, appeared ſufficient cauſe for his removall, which this Honourable Aſſembly without all queſtion will doe, when thoſe other weighty Affaires of more generall concernment are ſetled, eſpecially in regard he doth ſtill perſiſt in his old manner not reforming any conſiderable thing; his Atar ſtands deckt continually, week-dayes and all, and mewed up within the Screene and Rayles as before: ſome of the Pariſhioners deſiring to receive the Sacrament in their Pewes, were denied it and ſent away without it, and hee forceth all to come up to the Rayles ſtill as before. In divers of his Sermons ſince the hearing of his buſineſſe, hee hath with much bitterneſſe inveighed againſt the Petitioners, and at thoſe that goe from their owne Pariſh Church, although hee hath ſo weake a voice that hee cannot be heard by the one halfe of thoſe that come to Church.

All the Premiſes well knowne, and ſeriouſly conſidered, there can no reaſon be given by any well affected Proteſtant to deſire his continuance.

FINIS.

A

SPEECH DELIVERED BY Sir Francis Bacon,

In the lower Houſe of Parliament *quinto* IACOBI, concerning the Article of *Naturalization* of the *Scottiſh* Nation.

LONDON,
Printed *Anno*, 1641.

A SPEECH

Vſed by Sir *Francis Bacon* in the lower Houſe of *Parliament*, *quinto* Jacobi, concerning the Article of *Naturalization* of the *Scottiſh Nation*.

IT may pleaſe you (Maſter Speaker) preface will I uſe none, but put my ſelfe upon your good opinions, to which I have beene accuſtomed beyond my deſervings, neither will I hold you in ſuſpence, what way I will chuſe, but now at the firſt declare my ſelfe, that I meane to counſell the

Houſe to Naturalize this Nation, wherein nevertheleſſe I have a requeſt to make unto you, which is of more efficacy to the purpoſe I have in hand, than all that I ſhall ſay afterwards: And it is the ſame requeſt, which *Demoſthenes* did more then once, in great cauſes of eſtate, make to the people of *Athens*, That when they took into their hands the Balls, whereby to give their voices (according as the manner of them was) they would raiſe their thoughts, and lay aſide thoſe conſiderations, which their private vacations and degrees might miniſter and repreſent unto them, and would take upon them, cogitations and minds agreeable to the dignity and honour of the eſtate.

For (Maſter Speaker) as it was aptly and ſharply ſaid by *Alexander* to *Parmenio*, when upon their recitall of the great offers which *Darius* made, *Parmenio* ſaid unto him, I would accept theſe offers, were I as *Alexander*, hee turned it upon him againe, ſo would I (ſaith hee) were I as *Parmenio*, ſo in this cauſe: if an honeſt *Engliſh* Merchant (I doe not ſingle out that State in diſgrace, for this Iſland ever held it honourable, but only for an inſtance of a private profeſsion) If an *Engliſh* Merchant ſhould ſay, ſurely I would proceed no further in the union, were I as the King, it might bee reaſonably anſwered, no more would

would the King, were he as an *English* Merchant; and the like may be ſaid of a Gentleman in the Country, bee he never ſo worthy or ſufficient, or of a Lawyer be hee never ſo wiſe or learned, or of any other particular condition in this Kingdome, for certainly (Maſter Speaker) if a man ſhall be only or chiefly ſenſible of thoſe reſpects which his particular affection, and degree ſhall ſuggeſt, and infuſe into him, and not enter into true and worthy conſiderations of eſtate, he ſhall never be able aright to give counſell, or take counſell in this matter, for that if this requeſt be granted, I account the cauſe obtained.

But to proceed to the matter it ſelf; all conſultations do reſt upon queſtions comparative, for when a queſtion is *de vero*, it is ſimple, for there is but one truth, but when a queſtion is *de bono*, it is for the moſt part comparative, for there be differing degrees of good and evill, and the beſt of the good is to be preferred and choſen, and the worſt of the evill is to be declined and avoided, and therefore in queſtions of this nature, you may not looke for anſwer, proper to every inconvenience alleaged, for ſomewhat that cannot be ſpecially anſwered, may nevertheleſſe be encountred, and overweighed by matter of greater moment, and therefore, for the matter which I

ſhall

ſhall ſet forth unto you, will naturally receive the diſtribution of three parts.

The anſwer to the inconveniencies objected cõcerning the Naturalization.

Firſt, an anſwer to theſe inconveniences which have beene alleaged to enſue, if wee ſhould give way to this Naturalization, which I ſuppoſe you will not finde to bee, which I ſuppoſe will not be ſo great, as they have bin made, but that much droſſe is put into the ballance, to help to make weight.

Secondly, an encounter againſt the remaynder of theſe inconveniences, which cannot properly be anſwered, by much greater inconveniences, which wee ſhall incurre, if wee doe not proceed to this Naturalization.

Thirdly, an encounter likewiſe, but of another nature, that is by the gaine and benefit, which wee ſhall draw and purchaſe to our ſelves by proceeding to this Naturalization. And yet to avoid confuſion, which ever followeth of too much generality, it is neceſſary for me (before I proceed to perſwaſion) to uſe ſome diſtribution of the points or parts of Naturalization, which certainly can be no better, or none other, than the ancient diſtinction of *jus Civitatis*, *jus ſuffragii vel tribus*, *Jus Petitionis ſive honoris*: for all ability and capacitie is either of private intereſt, of *Meum & Tuum*, or of publike ſervice, and the publike conſiſteth chiefly

chiefly either in voice or in office, now it is the firſt of theſe (Maſter Speaker) that I will only handle at this time, and in this place, and referre the other two for a Committee, becauſe they receive more diſtinction and reſtriction.

To come to the inconveniences alleaged on the other part, the firſt of them is, that their may enſue of this Naturalization, a ſurcharge of people upon this Realm of *England*, which is ſuppoſed already, to have the full charge and contentment, and therefore there cannot be an admiſſion of the adoptive, without a diſmiſſion of the former times, and conditions of all thoſe, that are native ſubjects of this Realm. A grave objection, (Maſter Speaker) and very dutifull, for it proceeds not, of any unkindneſſe to the *Scottiſh* Nation, but of a naturall faſtneſſe to our ſelves, for that anſwer of the Virgins, *Ne forte non ſufficiat vobis & nobis*, proceeds not out of any envy, or maligne humour, but out of providence, and the originall charity, which begins with our ſelves, and I muſt confeſſe (M. Speaker) that as the Gentleman ſaid, when *Abraham* and *Lot*, in regard of the greatneſſe of their Families, grew pent, and ſtraitned, It is true, that though they were brethren, they grew to difference, and to thoſe words, *Vade tu ad dexteram*,

ram, & ego ad ſiniſtram; But certainly, I ſhould never have brought that example on that ſide, for wee ſee what followed of it, how this ſeparation *ad dextram & ad ſiniſtram*, Cauſed the miſerable captivity of the one brother, and the dangerous though proſperous war of the other, for his reſcue and recovery.

But to this objection, (Maſter Speaker) being ſo weighty, and ſo principall, I meane to give three ſeverall anſwers, every one of them being to my underſtanding by it ſelfe Sufficient.

The opinion of the number of the Scottiſh Nation.

The firſt is, that the opinion, of the number of the *Scottiſh* Nation, that ſhould be likely to plant themſelves here amongſt us, will bee found to bee a thing, rather in conceit then in event, for (Maſter Speaker) you ſhall finde theſe plauſible ſimilitudes of a tree, that will thrive the better, if it bee remooved into the more fruitfull ſoile, and of ſheepe or cattell, that if they finde a gap or paſſage open, will leave the more barren paſture, and get into the more rich and plentifull, to be but arguments meerely ſuperficiall, and to have no ſound reſemblance, with the tranſplanting or transferring of families, for the tree we know by nature, as ſoone as it is ſet in the better ground, can faſten upon it, and take nutriment from it, and a ſheep as ſoone as he gets into the

the better paſture, what ſhould let him to graſe or feed, But there belongeth more I take it, to a family or particular perſon, that ſhall remove from one Nation to another, for if (Maſter Speaker) they have not ſtock, meanes, acquaintance, and cuſtome, habitation, trades, countenance, and the like, I hope you doubt not, but they will ſtarve in the midſt of the rich paſture, and are farre enough from grazing at their pleaſure, and therefore in this point, which is conjecturall, experience is the beſt guide for the time paſt, is a pattern of the time to come, I think no man doubteth (Maſter Speaker) but his Majeſties firſt coming in, was the greateſt ſpring-tide for the confluence, and enterance of that Nation. Conjecturall experience.

Now I would fain underſtand in theſe four yeeres ſpace, and the fulneſſe, and ſtrength of the Court and Tide, how many families of the Scotch men, are planted in the Citties, Burroughs and Townes of this Kingdom, for I doe aſſure my ſelfe, then more then ſome perſons of quality, about his Majeſties perſon heere at Court and in *London*, and ſome other inferiour perſons, that have a dependan e upon them, the returne and certificate, if ſuch a Survey ſhould bee made, would be of a number extreamely ſmall, I report mee to all your

private knowledges of the places where you inhabite.

Now (Maſter Speaker) as I ſaid, *Si in ligno viridi ita fit, quid fiet in arido*, I am ſure there will be no more ſuch ſpring tides; but you will tell me of a multitude of families of the *Scottiſh* nation in *Polonia*, and if they multiply in a Countrey ſo farre, how much more at hand, for that (Maſter Speaker) you muſt impute it of neceſſity to ſome ſpeciall accident of time and place that draws thē thether: for you ſee plainly before your eys, that in *Geneva*, which is much neerer, where in *France* they are invited with priviledges, and with the very priviledge of naturalization, yet no ſuch number can bee found, ſo as it cannot either bee neerenes of place, or priviledge of perſon that is the cauſe. But ſhall I tell you (Maſter Speaker) what I thinke; In all the places of the world, neere or farre of, they will never take that courſe of life in this Kingdome, which they content themſelves with in *Poland*; for we ſee it to bee the nature of all men that will rather diſcover poverty abroad then at home; There is never a gentleman, that hath over reached himſelf in expences, and thereby muſt abate his countenance, but hee will rather travell, and doe it abroad, then at home, and we know well they have good high ſtomacks, and have ever ſtood

ſtood in ſome tearmes of emulation, and therfore they will never live heere except they can live in good faſhion, ſo as I aſſure you (Maſter Speaker) I am of opinion, that the firſt which we now have, to admit them, will have like as that contention had between the Nobility and people of *Rome*, for admitting of a *Plebean* Common-wealth, whilſt it was in paſſage it was very vehement, and mightily ſtood upon, and when the people had obtained it, they never made any *Plebean Conſul*, not in 60 yeers after, and ſo will this be, for many yeers, as I am perſwaded, rather a matter in opinion and reputation, then in effect, and this is the firſt anſwere, that I give to this main inconvenience pretended of ſurcharge of people.

England not peopled to the full.

The ſecond anſwere, which I give to this objection is this, I muſt have leave to doubt (Maſter Speaker) that this Realme of *England* is not peopled to the full, for certain it is, that the territories of *France*, *Italy*, *Flanders*, and ſome part of *Germany*, doe in equall ſpace of ground, beare and containe, a farre greater quantity of people, if they were muſtered by the Poll, neither can I ſee, that this Kingdome is ſo much inferiour, unto thoſe forrain parts in fruitfulneſſe, as it is in population, which makes mee conceive wee have not our full charge; beſides I do ſee manifeſtly a-

mongſt us, the badges and tokens, rather of ſcarcenesſe, then of preſſe of people, as drowned grounds, Commons, Waſtes, and the like, which is a plain demonſtration, that howſoever there may be an overſwelling throng and preſſe of people, here about *London*, which is moſt in our eie, yet the body of the Kingdome is but thin ſowne with people, and whoſoever ſhal compare the ruines and decayes of ancient Towns in this Realme, with the erectments and augmentations of new, cannot but judge that this Realme hath been farre better peopled in former times, it may be in the *Heptarchy*, or otherwiſe generally the rule holdeth, The ſmaller the State the greater the population *Pro rato*, And whether this be true or no, we neede not ſeeke further, then to call to our remembrance, how many of us ſerue heere in this place, for deſolate and decayed Burroughs,

Mediterrane, not Maritime Countries ſurcharged with people.

Againe, (Maſter Speaker) whoſoever looketh into the principle of eſtate, muſt hold, that it is the *Mediterrane* Countries, and not the Maritime which need to feare ſurcharge of people, for all ſea provinces and eſpecially Iſlands have an other element beſides the earth and ſoile, for their ſuſtentation, what an infinite of people are, and may bee ſuſtained by fiſhing, carriage by ſea, and merchandizing, wherein

wherein I doe again diſcover, that wee are not all prickt by the multitude of people, for if we were, it were not poſſible, wee ſhould relinquiſh, and reſigne, ſuch an infinite benefit of fiſhing, to the Flemming, as it is well knowne wee do, and therefore I ſee, that wee have waſts by Sea, as well as by land, which ſtill is an infallible argument that our induſtry is not awakned, to ſeeke maintenance to any our great charge or preſſe of people. And laſtly, (Maſter Speaker) there was never any Kingdome in this World, had I think, ſo faire and happy means to iſſue and diſcharge the multitude of their people, as this Kingdom hath, in regard of that deſolate and waſted Kingdome of *Ireland*, which being a countrey bleſſed with all moſt all the dowryes of nature, as Rivers, Havens, Woods, Quarryes, good Soile, and temperate climate, and now at laſt bleſt under his Majeſty alſo with obedience, doth as it were continually call unto us, for our Colonies and Plantations, and ſo I conclude my ſecond anſwere, to this pretended inconvenience of ſurcharge of people.

The third anſwer (Maiſter Speaker) which I give is this, I demande what is the worſt effect that can follow of your ſurcharge of people, look into it and you ſhall finde it none other then ſome honourable warre, for the enlargement

largement of their borders, which finde themſelves pent, upon forraine parts, with inconveniences, which in a warlike Nation, I know not whether I ſhould tearme an inconvenience or noe, for the ſaying is moſt true, though in an other ſenſe, *Omne ſolum forti patria.* It was ſpoken of the patience of an exiled man, but it is no leſſe true in the valour of a warlike Nation, and certainly (Maſter Speaker) I hope I may ſpeake it without offence, that whenſoever we ſhould hold our ſelves worthy, and whenſoever juſt cauſe ſhould bee given, either to recover our ancient rights, or to revenge our late wrongs, or to attaine the honour of our anceſtors, or to enlarge the patrimony of our poſterities, wee would never in this manner forget the conſiderations of amplitude and greatneſſe, and fall at variance about profit and reckonings, fitter a great deale for private perſons, then for Parliaments, and Kingdomes, and thus (Maſter Speaker) I leave this firſt objection, to ſuch ſatisfactions as you have heard of.

The fundamentall Laws of *England* & *Scotland* are divers and ſeverall.

The ſecond objection is, that the fundamentall lawes of theſe Kingdomes, of *England* and *Scotland*, are yet diverſe and ſeverall, nay more that it is declared by the inſtrument, that they ſhall ſo continue; and that there is no intent in his

his Majeſty to make innovation in them, and therefore that it ſhould not bee ſeaſonable, to proceed to this Naturalization, whereby to endow them with our Rights and Priviledges, except they ſhould likewiſe receive, and ſubmit themſelves to our lawes, and this objection likewiſe (Maſter Speaker) I allow to be a weighty objection and worthy to be well anſwered, and diſcuſſed.

The anſwere which I ſhall offer is this, It is true for mine owne part (Maſter Speaker) that I wiſh the *Scottiſh* Nation governed by our Lawes, for I hold our lawes, with ſome reducement, worthy to govern, and it were the World, but this is that which I ſay, and I deſire therein your attention, That according to true reaſon of eſtate, Naturalization is in order firſt and precedent to union of Lawes, and in nature ſeperable, and in degree a leſſe matter, and not inſeperable from union of Laws, for Naturalization doth but take out the marks of a Forreiner, but union of Lawes makes them entirely as our ſelves, Naturalization taketh away ſeperation, but union of lawes doth take away diſtinction, doe wee not ſee (Maſter Speaker) that in the adminiſtration of the World under the great Monarch God himſelfe that his Laws are diverſe, one Law in ſpirits, another in bodies, one Law in Regions celeſtiall, an other in Elementary, and yet the Creatures are all one maſſe or lump, without any vacuum or ſeperation, doe wee not

The anſwer to the ſecond objection.

not likewiſe ſee in the ſtate of the Church, that amongſt all people, of all languages, and Linages, there is communion of Saints, and that wee are all fellow Citizéns, and Naturalizants of the heavenly Jeruſalem, And yet neuer the leſſe, divers Eccleſiaſticall Laws, Policies and Heirarchies, according to the ſpeech of that worthy Father, *In veſte varietas ſit, ſciſſura non ſit*, and theſe certainly (Maſter Speaker) as they are the bonds of love they are the more ſpeciall and private bond, and the bond of Naturalization, the more common and generall, for the lawes are rather *Figura Reipublicæ*, then *forma*, and rather Bonds of perfection, then Bonds of entireneſſe, and therefore wé ſee in the experience of our own government, that in the Kingdome of *Ireland*, all our Statutes and Laws, ſince *Poynings* Laws, are not in force, and yet we deny them not the benefit of Naturalization, in *Gerſey* and *Jerneſey* and the Iſle of *Man*, our common Lawes are not in force, and yet they have the benefit of Naturalization, neither need any man doubt, but that our Lawes and Cuſtomes muſt in ſmall time gather and win upon theirs, for here is the ſeate of the Kingdome, whence come the ſupreame directions of eſtate, here is the Kings perſon and example of which the verſe ſaith,

Poynings Laws.

Regis

Regis ad exemplum, totus componitur orbis.

And therefore it is not poſſible, although not by ſolemne and formall acts of eſtates, yet by the ſecret operation of no long time, but they will come under the yoake of our laws, and ſo *Dulcis tractus pari jugo*, and this is the anſwere I give to the ſecond objection.

Inequality in the fortunes betweene *England* and *Scotland*.

The third objection, is ſome inequallity, in the fortunes of theſe two Nations, *England* and *Scotland*; by the commixture whereof, there may enſue advantage to them, and loſſe to us, wherein (M. Speaker) it is well that this difference or diſparity conſiſteth, but in the external goods of fortune, for indeed it muſt bee confeſſed that for the goods of the minde and body they are *alteri nos*, or our ſelves, for to doe them but right, wee know in their capacities and underſtandings, they are a people ingenious, in labour induſtrious, in courage valiant, in body hard, active, and comely, more might be ſaid, but in commending them, we doe but in effect, commend our ſelves, for they are of one part, and continent with us, and the truth is, we are participant, both of their vertue, and vices, for if they have beene noted, to be a people not ſoe tractable in government, we cannot without flat-

tering our ſelves, free our ſelves altogether from that fault, being indeed incident to all martiall people, as wee ſee it evident by the example of the Romans, and others, even like unto fierce horſes, that though they be of better ſervice then others, yet are they harder to guide and manage.

But for this objection (Maſter Speaker) I purpoſe to anſwere it, not by the authority of Scriptures, which ſaith, *Beatius eſt dare quam accipere*, But an authority, framed and derived from the judgment of our ſelves, and our anceſtors in the ſame caſe; as to the point, for (Maſter Speaker) in all the lives of our Kings, none uſeth to carry greater cõmendation then his Majeſties noble progenitor King *Edward* the firſt of that name, and amongſt his other cõmendations, both of warre and policie, none is more celebrated, then his purpoſe and enterpriſe, for that conqueſt of *Scotland*, as not bending his deſignes, to glorious acqueſts abroad, but to ſolid ſtrength at home, which nevertheleſſe if it had ſucceeded, could not but have brought in all theſe inconveniences, of the commixture of a more opulent Kingdome, with a leſſe, that are now alledged, for it is not the yoake, either of our lawes or armes, that can alter the nature of the Climate, or the nature of the ſoil, neither is it the manner of the

Laws nor Arms cannot alter the nature of climats.

the Commixture, that can alter the nature of Commixture, and therefore (Maſter Speaker) if it were good for us then, it is good for us now, and not to be prized the leſſer, becauſe we payed not ſo deare for it. But a more full objection, I refer over to that, which will come after, to bee ſpoken touching ſurety, and greatneſſe.

The fourth Objection (Maſter Speaker) is not properly an objection but rather a preoccupation of an objection of the other ſide, for it may bee ſaid and very materially, whereabouts wee doe contend, the benefit of Naturalization is by the Law, in as many as have beene, or ſhall bee borne, ſince his Majeſties comming to the Crown, already ſetled and inveſted, there is no more then, but to bring the *Ante-nati*, into the degree of the *Poſt-nati*, that men grown, that have well deſerved, may bee in no worſe caſe, then children which have not deſerved, and elder brothers in no worſe caſe, then younger brothers, ſo as wee ſtand upon *quiddam non quantum*, being but a little difference of time, of one generation from an other, to this (M. Speaker) it is ſaid by ſome, that the Law is not ſo but that the *poſt-nati* are aliens as the reſt. A pointe, that I mean not much to argue, both becauſe it hath been well ſpoken, by the gentleman that ſpoke laſt

before mee, and becauſe I doe deſire in this caſe, and in this place, to ſpeak rather of Conveniencie, then of Law, only this I will ſay, that, that opinion ſeems to mee contrary to opinion of Law, and contrary to Authority, and experience of Law; for reaſon of Law, when I meditate of it, my thinks the wiſdome of the Common Lawes of *England* well obſerved, is admirable in the diſtribution of the benefit and protection of the Laws, according to the ſeveral conditions of perſons in an excellent proportion, the degrees are foure, but bipartite; two of Aliens, and two of Subjects.

The firſt degree of an alien.

The firſt degree is of an alien borne under a King, or State, that is enemy, if ſuch an one come into this Kingdom without ſafe conduct, it is at his perrill, the Law giveth him no protection neither for Body, Lands, nor Goods, ſo as if hee be ſlaine, there is no remedy by any appeale at the parties ſuit although the party were an *Engliſh* woman, marry at the Kings ſuit, the caſe may bee otherwiſe in reguard of the offence, to the peace, and Crown.

The ſecond degree of an alien born under a State, that is Friend.

The ſecond degree is of an alien that is born under the faith and alleigeance of a King or ſtate, that is a friend, unto ſuch a perſon, the Law doth imparte a great benefit and protection

ction that is concerning things perſonall, tranſitory and moveable, as goods and chattells, contracts and the like, but not concerning freehold and Inheritance, and the reaſon is becauſe hee may be an enemy, though he be not; for the State under the obeyſance of which hee is may enter into quarrell, and hoſtility, and therefore as the Law, hath but a tranſitory aſſurance of him, ſo it rewards him, but with tranſitory benefits.

The third degree is of a ſubject who having beene an alien is by charter and deniſation, to ſuch an one, the law doth imparte, yet a more ample benefit, for it gives him power to purchaſe freehold and inheritance to his owne uſe, and likewiſe to enable thoſe Children, borne after his denization to inherit, but nevertheleſſe hee cannot make title, or convey pedigree from any anceſtors peramount, for the Law thinks not good to make him in the ſame degree, with a ſubject born, becauſe hee was once an alien, and ſo might once have beene an Enemy, *Et nemo ſubito fingitur*, affections cannot be ſetled by any benefit, as when from their Nativity, they are imbred, and inherent. The third degree of an alien ſubject.

And the fourth degree, which is the perfect degree The fourth degree the perfect degree.

degree, is of such a person, as neither is enemy, nor can be enemy in time to come, nor would have beene enemy in time past, nor can bee enemy in time to come, therefore the Law gives unto him, the full benefit of Naturalization.

Now (Master Speaker) if these be true steps and paces of the Law; no man can deny, but whosoever is borne under the Kings obedience never could *in aliquo puncto temporis* bee an enemy, and therefore in reason of Law, is natural, Nay, contrariwise, he is bound *Jure nativitatis* to defend this Kingdome of *England*, against all Innovators and Rebells, and therefore as hee is obliged to the protection of Aliens, and that perpetually, and universally, so he is to have that perpetuall and universall benefit and protection of lawes which is Naturalization.

For forme of pleading it is true that hath beene said, that if a man, would pleade an other to be an alien, he must not only set forth negatively, and primitively, that hee was born out of the obedience of our Soveraine Lord the King, but affirmatively, under the obedience of a forraine King, or state, in particular, which never can bee done in this case.

As

As for authority, I will not preſſe it, you know all what hath beene publiſhed by the Kings Proclamation, and for experience of Lawes, wee ſee it in the ſubjects of *Ireland*, in the Subjects of *Gernſey*, and *Iernſey*, parcels of the Duchy of *Normandy*, in the Subjects of *Callis*, when it was *Engliſh*, which was parcel of the Crowne of *France*, But as I ſaid, I am not willing to enter into an argument of Law, but to hold my ſelfe to point of conveniencie, ſo as for my part, I hold all, *Naturales ipſo jure*, But yet I am farr from opinion, that it ſhould be a thing ſuperfluous to have it done by.

Chiefely in reſpect of that true principall of State, *Principum actiones ad famam ſunt Componendæ*, It will lift up a ſigne to all the World, of our Loves towards them, and good agreement with them, and theſe are (Mr. Speaker, the materiall objections, which have beene on the other ſide, whereunto youhave heard my anſweres, weigh them in your wiſdomes, and ſo I conclude that generall part.

Now (Maſter Speaker) according as I promiſed I muſt fill the other ballance, in expreſſing unto you the inconveniences, which wee ſhall incur, if we ſhall not proceed to this Naturalization, wherein that convenience above all others, and alone by it ſelfe, if there were

none other, doth exceedingly moove mee, and may moove you, is a position of eſtate, collected out of the Records of time, which is this, That whatſoever ſeverall Kingdomes or Eſtates, have bene united in Soverainty, if that union hath not beene fortified, and bound in with a further union, and namely that which is now in queſtion (of Naturalization) this hath followed, that at one time or other, they have broken, being upon all occaſions apt to relaps and revolt to the former Seperation.

The union between the *Romans* and the *Latins*.

Of this aſſertion, The firſt example which I will ſet before you, is of the memorable Union, which was betweene the Romans and the Latins, which continued from the Battell at the Lake of *Regilla*, for many yeeres unto the Conſulſhip.

At what time, their began about this very point of Naturalization, that warr which was called *Bellum Sociale*, being the moſt bloody and pernitious warre, that ever the Romane State endured, wherein after numbers of battles, and infinite ſieges and ſurpriſes of Towns, the Romanes in the end prevailed, and maſtred the Latins, And ever as they held the honour of the warre, ſo looking back into what perdition and confuſion, they were near

to

to have beene brought, they presently naturalized them all, you speake of a naturalization in blood, there was a naturalization indeed in blood.

Let me set before you againe, the example of *Sparta* and the rest of the *Peneliponesus* their associates. The State of *Sparta*, was a nice and jealous state of this point of imparting naturalization to their confederates. But what was the issue of it, after they held them in a kind of society and amity for diversyeers, upon the first occasiõ given which was no more then the surprisall of the Castle of *Thebes*, by certaine desperate conspirators in the habit of Masters, there ensued imediately a general revolt & defection of their associates, which was the ruine of their State never afterwards to be recovered. *Sparta* and *Peloponesus*.

Of latter times, Let me lead your considerations, to behold the like events in the Kingdom of *Arragon*, which Kingdom was united with *Castile*, and the rest of *Spain*, in the persons of *Ferdinando*, and *Isabella*, and so continued many years, but yet so as it stood a Kingdome severed and devided from the rest of *Spaine* in priviledges, and directly in this point of Naturalization, or capacity of inheritance, what came of this, Thus much, that now of fresh The Union of the Kingdome of *Arragon*.

memory, not paſt twelve yeeres ſince, onely upon the voice of a condemned man, out of the grate of a priſon, towards the ſtreete, that cried which is as much as Liberties or Priviledges, there was raiſed a dangerous rebellion, which was ſuppreſſed with difficulty with an army Royall, and their priviledges diſanulled, and they incorporated, with the reſt of *Spaine*, upon ſo ſmall a ſparke, notwithſtanding ſo long continuance, were ready to break, and ſever again.

Florence and *Piſa*.

The like may be ſaid of the State of *Florence*, and *Piſa*, which City of *Piſa* being united unto *Florence*, but not endued with the benefit of Naturalization, upon the firſt ſight of forraine aſſiſtance, by the expedition of *Charles* the 8th. of *France* into *Italy*, did revolte, though it bee ſince againe reunited, and incorporated.

Charles the Eighth.

The like effects in barbarous governments.

The ſame effect wee ſee in the moſt barbarous Government, which ſhewes it the rather to bee an effect of nature, for it was thought a fit policy by the councell of *Conſtantinople*, to retaine the Provinces of *Tranſylvania*, *Valachia*, and *Moldavia*, which were as the nurſes of *Conſtantinople*, in reſpect of their proviſions, to the end they might bee the leſſe waſted, onely under *Vayvods*, as Vaſſals and *Homagers*, and not under *Baſhaws*, as Provinces of the *Turkiſh* Empire,

pire, wch policy we ſee by late experience proved unfortuuate, as appeared by the revolt of the ſame three Provinces, under the Armies & Conduct of *Sigiſmond* Prince of *Tranſiluania* a leader very famous for a time, which revolt is not yet fully recovered, whereas we ſeldome or never hear of revolts of Provinces incorporate to the *Turkiſh* Empire.

On the other part (Maſter Speaker) becauſe it is true, which the Logicians ſay, *Oppoſita juxta ſe poſita magis*, Let us take a view, and wee ſhall find that whereſoever Kingdomes and States have beene united, and that union incorroberate, by the bond of Naturalization mutually, you ſhall never obſerve them afterwards upon any occaſion of trouble or otherwiſe, to breake, and ſever againe, as wee ſee moſt evidently before our eies, in our Provinces of *France* that is to ſay *Guyen*, *Province*, *Normandy*, *Britain*, which notwithſtanding the infinite infeſting troubles of that Kingdome, never offered to breake again.

Naturalization a ſure bond.

We ſee the like effect, in all the Kingdomes of *Spaine*, which are mutually Naturalized as *Leon*, *Caſtile*, *Valentia*, *Andaluzia*, *Granada*, and the reſt, except *Arragon* which held the contrary courſe, and therefore had the con-

trary ſucceſſe , as it was ſaid of *Portugall*, of which there is not yet ſufficient triall, and laſtly wee ſee the like effect , in our own Nation , which never rent aſunder after it was united , ſo as wee now ſcarce know whether the Heptarchy were a Story or a Fable , and therefore (Maſter Speaker) when I revolue with my ſelfe, theſe examples and others, ſo lively expreſſing the neceſſity of a Naturalization to avoid a relaps into a ſeperation, and doe heere ſee many arguments and ſcruples on the other ſide, it makes mee think on the old Biſhop which upon a publique diſputation of certaine Chriſtian Divines , with ſome learned men of the heathen, did extreamely preſſe to bee heard , and they were loath to ſuffer him, becauſe they knew hee was unlearned, though otherwiſe an holy, and well meaning man , But at laſt, with much adoe hee got to be heard, and when hee came to ſpeake, in ſtead of uſing Argument, he did only ſay over his belief, but did it with ſuch aſſurance and conſtancy, that it did ſtrike the minds of thoſe that heard him, more then any Argument had done , and ſo (Maſter Speaker) againſt all theſe wittie and ſubtile Arguments, I ſay I doe believe , and I would bee ſorry to bee found a prophet in it, that except we proceed with this Naturalization, though not perhaps in his Majeſties time, who hath ſuch intereſt

England never ſevered after once united.

reſt in both nations, yet in the meane time of his Diſcendants, theſe realms will bee in continuall danger, to divide and breake again, now if any man bee of that careleſſe minde, *Maneat mors ea, ea cura nepoies.*

Or of that harde minde to leave things to be tried by the ſharpeſt ſword, ſure I am, hee is not of Saint *Pauls* opinion, who affirmeth that whoſoever uſeth not fore-ſight and proviſion for his family, is worſe then an unbeliever, much more if wee ſhall not uſe fore-ſight, for theſe two Kingdomes, that comprehend in them ſo many families, but leave things open to the perill of future diviſions, and thus have I expreſſed unto you, what inconveniences, of all others ſinke deepeſt with mee, as the moſt weighty, neither doth their want other inconveniences (Maſter Speaker) the effects and influence whereof, I feare will not bee adjourned to ſo long a day, as this that I have ſpoken of, But I leave it to your conſiderations, and wiſdomes, to conſider, whether you doe not thinke, in caſe by the deniall of this Naturalization, any Pike, alienation, or unkindneſſe, I doe not ſay ſhould bee, but ſhould be thought to bee, or noiſed to bee betweene theſe two Nations, whether it will not quicken or exite, all the envious, and malicious

licious humours, whereſoever (which are now covered) againſt us, either forraine or at home, and ſo open the way to practice, and other Engines, and machinations, to the diſturbance of this State. As for that other inconvenience, it is too binding and too preſſing to be ſpoken of, and may do better a great deale in your mindes then in my mouth, or the mouth of any man elſe, becauſe as I have ſaid it doth preſſe our liberty too farre, and therefore (M. Speaker) I come to this third generall part of my diviſion, concerning the benefit which we ſhall purchaſe, by knitting this knott, ſurer and ſtraiter, betweene theſe two Kingdomes, by the Communicating of Naturalization.

A binding inconvenience.

The benefits may appeare to be two, the one ſurety the other greatneſſe, touching ſurety (Maſter Speaker) it was well ſaid by *Titus Quintus* the *Romane*, touching the State of *Peloponeſus*, that the Tortoiſe is ſafe within her ſhell, *Teſtudo inter tegumen tuta eſt*, but if there be any parts that ly open, they endanger all the reſt, wee know well, that although the ſtate at this time bee in a happy peace, yet for the time paſt, the more ancient enemy is the *French*, and the more late the *Spaniard*, and both theſe had as it were, their ſeverall poſtern

The benefit of Surety.

ſtern gates, whereby they might have approach and enterance, to anoy us, *France* had *Scotland* and *Spaine* had *Ireland*, for theſe were but the two acceſſes which did comfort and encourage, both theſe enemies to aſſaile and trouble us, wee ſee that of *Scotland* is cut off, by the Union of theſe two Kingdomes, if that it ſhall bee made conſtant and permanent, that of *Ireland* is cut off likewiſe by the convenient ſituation of the North of *Scotland*, towards the North of *Ireland*, where the ſore was, which wee ſee being ſuddenly cloſed by meanes of this ſalve, ſo that as now there are no parts of the State expoſed to danger to bee a temptation to the ambition of Forreiners, but their approches and avenues are taken away, for, I doe little doubt but theſe Forreners, which had ſo little ſucceſſe, when they had thoſe advantages, will have much leſſe comfort, now that they bee taken from them, and ſoe much for ſurety.

For greatneſſe (Maſter Speaker) I thinke a man may ſpeake it ſoberly, and without bravery, that this Kingdome of *England*, having *Scotland* united, *Ireland* reduced, the Sea provinces of the low Countries Con- The benefit of greatneſſe.

tracted, and ſhipping maintained, is one of the greateſt Monarchies, in forces truly eſteemed, that hath beene in the World, for certainly the Kingdomes heere on earth, have a reſemblance with the Kingdome of Heaven, which our Saviour compareth not to any great Kirnell or nut, but to a very ſmall graine, yet ſuch an one as is apt to grow and ſpread, and ſuch doe I take to be the Conſtitution of this Kingdome, if indeed our Countrey bee referred to greatneſſe and power, and not quenched too much with the conſideration of utility and wealth, for (M. Speaker) was it not thinke you a true anſwere, that *Solon* of *Greece* made to rich King *Cræſus* of *Lydia*, when he ſhewed unto him a great quantity of Gold that hee had gathered together in oſtentation of his greatneſſe and might, but *Solon* ſaid to him contrary to his expectation, why Sir, if an other come that hath better Iron then you, hee will bee Lord of all your Gold; neither is the authority of *Machiavel* to be deſpiſed, who ſcorneth the proverbe of State, taken firſt from a ſpeech of *Mucianus*, that monies are the ſinewes of wars, and ſaith, there are no true ſinews of wars, but the very Armes of valiant men.

Nay

Nay more (Maſter Speaker) whoſoever ſhall look into the ſeminary, and beginning of the Monarchie of the world, hee ſhall finde them founded in poverty. The beginning of Monarchies founded in poverty

Perſia a Countery barren and poore in reſpect of *Media* whom they ſeduced. *Macedon.*

Macedon a Kingdome ignoble, and mercenary untill *Phillip* the Sonne of *Amintas*.

Rome had poore and paſtorall beginning. *Rome.*

The *Tuoks* a band of *Sarmathian Scithes*, that in a vagabond maner made impreſsion upon that part of *Aſia* which is called *Turcomania*, out of which, after much varieties of fortune, ſprung the *Othoman* family now the terror of the World. The *Turks.*

So we know the *Gothes*, *Vandalls*, *Alans*, *Huns*, *Lombards*, *Normans*, and the reſt of the Northern people, in one age of the World, made their diſcent and expedition upon the *Romane* Empire, and came not as rovers to carry away prey and begun again, but planted themſelves in a number of rich and fruitfull Provinces, where not only

their generations, but their names remaine to this day, witneſſe *Lombardy*, *Catalonia*, a name compounded of *Goth* and *Alan*, *Andaluzia*, a name corrupted from *Vandelitia*, *Hungaria*, *Normandy*, and others.

The Swizzers. Nay the fortune of the *Swiſſes* of late yeeres, which are bred in a barren and mountenous Countrey, is not to bee forgotten, who firſt ruined the duke of *Burgundy*, the ſame who had almoſt ruined the Kingdome of *France*, what time after the battell neere *Granſon*, The rich Jewell of *Burgundy*, priſed at many thouſands, was ſold for a few pence, by a common *Swiſſe*, that knew no more what a jewell meant, then did *Eſopes* Cock; and againe, the ſame Nation in revenge of a ſcorne was the ruine of the French Kings affaires in *Italy*, *Lewis* the 12. for that King, when hee was preſſed ſomewhat rudely, by an agent of the *Swiſſers*, to raiſe their penſions, brake into words of choller, (what ſaith hee) will theſe villains of the mountain put a taske upon mee, which words loſt him his Duchy of *Millain*, and chaſed him out of *Italy*.

All which examples (Maſter Speaker) doe well prove *Solons* opinion, of the authority

rity and Majeſty that Iron hath over Gold, and therefore if I ſhall ſpeake unto you mine owne heart, me thinkes we ſhould a little disdaine, that the Nation of *Spain*, which howſoever of late it hath begun to rule, yet of ancient time, ſerved many ages, firſt under *Carthage*, then under *Rome*, after under *Saracens*, *Goths* and others, ſhould of late yeeres take unto them that Spirit, as to dreame of a monarchy in the Weſt, according to that deviſe, *vidi Solem Orientem in Occidente*, onely becauſe they have raiſed, from ſome wild, and unarmed people, Mines and ſtore of Gold, and on the other ſide, that this Iſland of *Britain*, ſeated and named as it is, and that hath, I make no queſtion, the beſt Iron in the World, that is the beſt ſouldiers of the World, ſhall thinke of nothing but accompts and audits, and *meum & tuum* and I cannot tell what.

(Maſter Speaker) I have I take it, gone through the parts which I propoũded to my ſelfe, wherein if any man ſhall think I have ſung a *placebo*, for mine owne particular, I would have him know that I am not ſo unſeene in the world, but that I diſcerne, it were much alike for my private fortune a *lacebo*, as to ſing a *placebo* in this buſineſſe,

But

But I have ſpoken out of the Fountain of my heart, *Credidi propter quod locutus ſum*, I believed, therefore I ſpake, ſo as my duty is performed, The Judgments is yours, God direct it for the beſt.

FINIS.

A PREPARATIVE to Studie:

OR,

THE VERTUE OF SACK.

LONDON,
Printed *Anno Dom.* 1641.

A PREPARATIVE to Study:

OR, THE VERTVE OF *Sacke*.

FEtch me *Ben. Johnſons* Scull, and fill't with Sacke,
Rich as the ſame he dranke, when the whole packe
Of jolly Siſters pledg'd, and did agree,
It was no ſinne to be as drunke as hee;
If there be any weakeneſſe in the wine,
Ther's vertue in the Cup to mak't divine;
This muddy drench of Ale does taſt too much
Of Earth, the Malt retaines a ſcurvy touch
Of the dull Hynde that ſow'd it, and I feare
There's hereſie in hops; give *Calvyn* Beere,

And his preciſe Diſciples, ſuch as thinke
There's Powder-Treaſon in all *Spaniſh* drinke,
Call Sack an Idoll, we will kiſſe the cup,
For feare their Conventicle be blowne up
With ſuperſtition; away with Brew-houſe Almes,
Whoſe beſt mirth is ſix-ſhilling Beere and Pſalmes.
Let me rejoyce in ſprightly Sack that can
Create a Braine even in an empty Pan,
Canary! it is thou that doſt inſpire
And actuate the ſoule with heavenly fire.
Thou that ſublim'ſt the Genius-making wit
Scorne earth, and ſuch as love or live by it,
Thou mak'ſt us Lords of Regions large and faire,
Whilſt our conceipts build Caſtles in the Ayre.
Since fire, earth, ayre, thus thy inferiors bee,
Henceforth Ile know no Element but thee;
Thou precious *Elixar* of all Grapes
Welcome, by thee our Muſe begins her ſcapes;
I would not leave thee Sack to be with *Jove*,
His *Nectar* is but faign'd, but I doe prove
Thy more eſſentiall worth: I am (me thinkes)
In the *Exchequer* now, harke how it chinks,
And doe eſteeme my venerable ſelfe
As brave a fellow as if all that Pelfe

Were ſure mine owne, and I have thought a way
Already how to ſpend it, I would pay
No debts, but fairely empty every Trunke
And change the Gold for Sack to keepe me drunke,
And ſo by conſequence till rich *Spaines* wyne
Being in my Crowne, the *Indies* too were mine,
And when my Braines are once aflote (Heav'n bleſſe us)
I thinke my ſelfe a better man then *Croeſus*,
And now I doe conceipt my ſelfe a Judge,
And coughing, laugh, to ſee my Clyents trudge
After my Lordſhips Coach unto the Hall
For Juſtice, and am full of Law withall,
And doe become the Bench as well as hee
That fled of late for want of honeſtie,
But Ile be Judge no longer, though in jeaſt,
For feare I ſhould be talk't with like the reſt,
When I am ſober: who can chuſe but thinke
Me wiſe, that am ſo wary in my drinke?
Oh, admirable Sack! heer's dainty ſport,
I am come backe from *weſtminſter* to Court,
And am growne young againe, my Phtiſick now
Hath left me, and my Judges graver brow
Is ſmooth'd, and I turn'd amorous as *May*,
When ſhe invites young Lovers forth to play

Upon her flowry boſome: I could winne
A Veſtall now, or tempt a Saint to ſinne.
Oh, for a ſcore of Queenes! you'd laugh to ſee
How they would ſtrive, which firſt ſhould raviſh mee.
Three Goddeſſes were nothing: Sack has tipt
My tongue with Charmes like thoſe which *Paris* ſipt
From *Venus* when ſhe taught him how to kiſſe
Faire *Helen*, and invite a farther bliſſe,
Mine is *Canary-Rhetorique*, that alone
Would turne *Diana* to a burning ſtone,
Stone with amazement burning with Loves fire,
Hard to the touch, but ſhort in her deſire,
Ineſtimable Sack! thou mak'ſt us rich,
Wiſe, amorous, any thing; I have an itch
To t'other Cup, and that perchance will make
Me valiant too, and quarrell for thy ſake:
If I be once inflam'd againſt thy Foes
That would preach down thy worth in ſmall-beer-proſe,
I ſhall doe Miracles as bad or worſe,
As he that gave the King an hundred horſe:
I'me in the North already; Laſley's dead,
He that would riſe, carry the King his head,
And tell him (if he aske, who kill'd the *Scot*)
I knock't his Braines out with a pottle pot.

Out

Out ye Rebellious Vipers; J'me come back
From thence againe, becauſe there's no good Sack,
T'other odde Cup, and J ſhall be prepar'd
To ſnatch at Starres, and pluck downe a reward
With mine owne hands, from *Iove* upon their backs
That are, or *Charles* his Enemies or Sacks;
Let it be full, if J doe chance to ſpill
Over my ſtudy by the way, I will,
Dipping in this diviner Incke my pen,
Write my ſelfe ſober, and fall too't agen.

FINIS.

A

LETTER

SENT BY *WILLIAM*

LAVVD Archbiſhop of *Canterburie*.

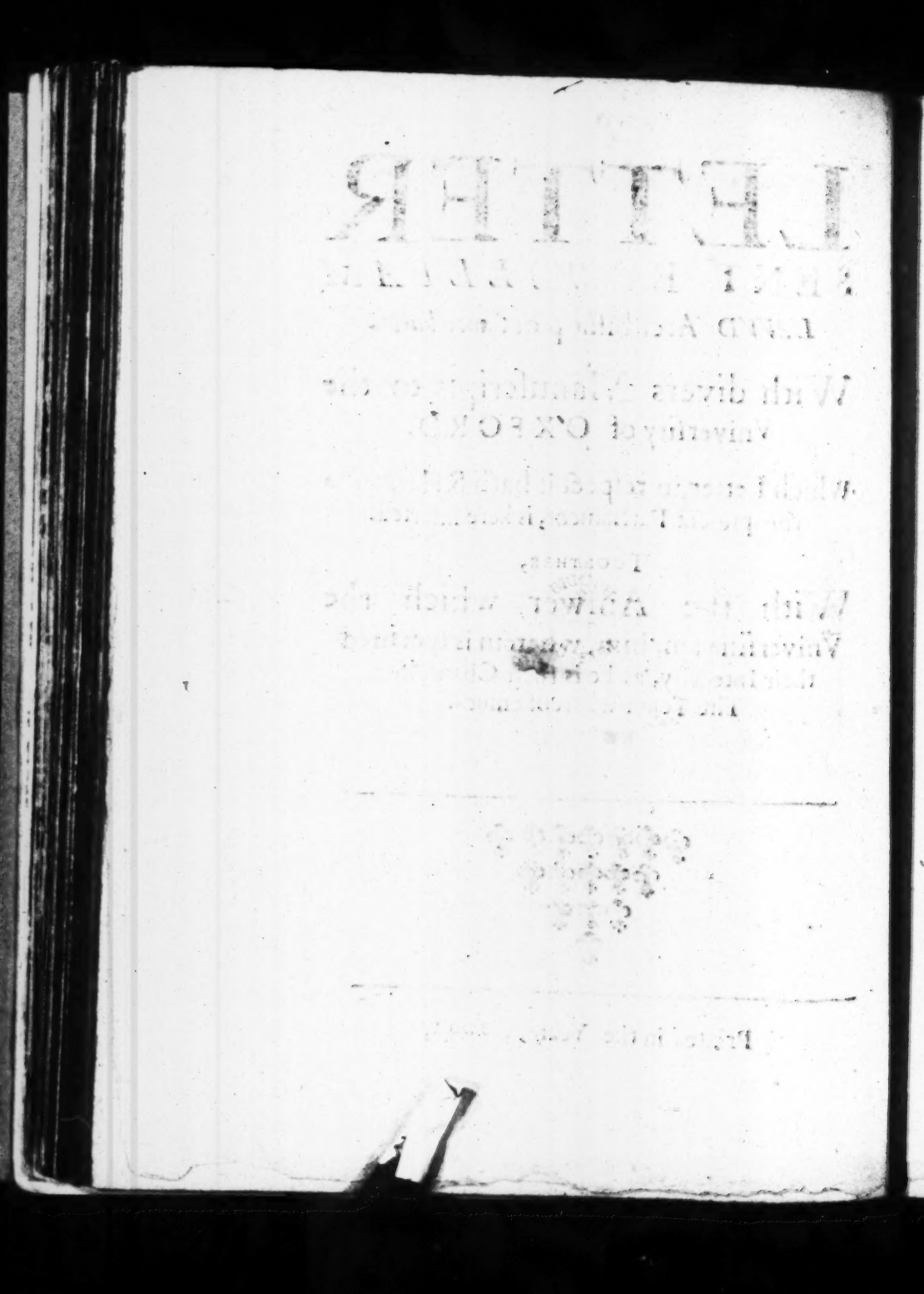
With divers Manuſcripts to the Vniverſity of OXFORD.

Which Letter, in reſpect it hath Relation to this preſent Parliament, is here inſerted.

TOGETHER,

With the Anſwer which the Vniverſitie ſent him, wherein is ſpecified their Integrity, as he is their Chancellor. The Tenor whereof enſues.

Printed in the Yeare, 1641.



A LETTER SENT BY WILLIAM LAVD

Arch-Bishop of *Canterbury*.

To my most loving friend Doctor Potter, *and the rest of the Doctors, Proctors, and to all the Convocation House in the Universitie of* Oxford.

SO difficult (most flourishing *Academians*) are the present times, (and the present businesse so urgent) that wee have no leisure for writing. *This writing of what Nature soever receive readily*, I will transmit a few things to you, as yet (most flourishing *Vniversitie*) we have most difficult times and businesses, which every way urge us. But in what estate *Ecclesiasticall* businesses are all men may see, there is more then one *Fountaine* of these evills. But there is but one fury of those, who not enduring sound *Doctrine*, which St. *Hilary* observed, desire a corrupt *Doctrine*, among whom, thus stung with the Summer-flye, how hard a thing it is to live amongst them: But I am more sensible of it, to whom, I thanke God, it is the same to live, and to doe my duty, but these things are to be passed by, neither can wee know what will be the issue of these things, and wee have no milder times nor suffer, then our complaints; But I desire to give you to understand, that I pray you may have all

thingshappy,while here amõgstthe higher Spheres, the Starres of any magnitude, ſcarce keepe their motion, and in regard of ꝑ thickneſſe of the clouds, ſend forth a weake light,while all things are at this paſſe, I have reſolved to lay downe in ſafety (as J hope) vvith you certaine Manuſcripts of former times, they are fevv, but like to the former, if not equall, and ſuch they are vvhich J hope,I have not be.n wantingto provide for your uſe, notwithſtanding the difficulty of the times, but amongſt them there are 6. *Hebrew*, 11. of *Greeke*, 34. of *Arabicke* 21. of *Latine*, 2. of *Italian*, and as many of *Engliſh*, and of *Perſian* 5. one of the vvhich, (being of a large volume) containeth a Hiſtorie from the beginning of the World,to the end of ꝑ *Saracen* Empire, and vvithout doubt,is of great vvorth, let theſe be carryed by you, into the Library of *Bodley*, I reverence the name, let me not be ſuperſtitious, and I deſire, they may be placed by others, which of late vvere mine, and under the ſame conditions, I have given the former. There is no need of many words to ſet forth this too ſmall a gift of ours, neither did I ever deſire it , This I daily pray for earneſtly at God , that the Univerſity may ever flouriſh, and that Religion and Piety, and whatſoever may ſet forth true Doctrine, may ariſe to the height, and that the Tempeſts (which are high) being once laid, you may enjoy your ſelves, your ſtudies, and above all things God, which ſhall be alwaies my deſires.

Your faithfull and loving Chancellour,

W. CANTERBVRY.

THE VNIVERSITIE OF OXFORD:

Their anſwer, unto a Letter ſent to *WILLIAM LAVD*, Archbiſhop of *Canterburie* their Chancellour.

To the moſt Reverend Father in God, WILLIAM *Lord Archbiſhop of* Canterbury, *and Chancellour of the Univerſity of* Oxford.

WEE wiſh all eternity moſt Reverend Chancellour, oh how great are the vertues which ariſe from the ſtreights, which are preſſing, while the Starres ſhine, you thinke of conforming and ſtrengthening the Univerſitie, and to make it famous and Illuſtrious, being carefull for all, and as we hope ſecure for your ſelfe. You have made a new Harveſt for us, by adding to the former Manuſcripts theſe latter, yet with great price and labour, and with the like variety of Tongues, and weights of Arguments, and variety of examples, worthy to be peruſed, ſo in number, and one volume, which with the like faith, and thankefulneſſe, wee will moſt ſafely keepe and carefully obſerve. There are divers

Judgments of thoſe that obſerve & reade theſe books, but there is but one ſenſe, which is this, That you are the man that deſires the Muſes, and our Mother the *Vniverſity*, to the height of happineſſe; Theſe were the *Monuments of former Ages*, but they ſhall be yours, by giving us the treaſury of this Hiſtory, *a deſerved Hiſtory*, the tumultuouſneſſe of the times doe double the gifts, which now, will hardly admit, either the leiſure of *writing* or *reading*, notwithſtanding it leaveth it's place, for the incomparable pains of doing good, and ſpace of giving advice, whatſoever you put into the boſome of the *Vniverſitie*, you may aſſure your ſelfe in ſafety, wee hope it is beyond *Fortunes* reach, not in that it is given to us, but becauſe the reward of ſuch Works, is treaſured with the chiefe of *Mortals*, *we in the meane time (who are nouriſhed by hope) are under the ſame fate*, The hand that hateth the *Orchard*, and hateth the *Orchard*-Keeper, doth not ſpare what is ſowne into the ground, or what the tree produceth, onely the Orchard-keeper who adventures himſelfe for the ſafety of the Seminary and unmindfull of his owne, to increaſe their proſperity, hee ſtands in a ſlippery place, he is more to be reverenced, then when there is a moſt ſtreight rule, *certainly without the Church (without the which we cannot hope for ſafetie) we will not hope for comfort, we deſire no ſuch ſafetie, no ſuch pleaſure, we deſire rather to periſh, then to d'pend on thoſe Travels, when that unhappy day ſhall come, when nothing ſhall be more diſpleaſing then the faithfull myſteries of God, and nothing more dangerous when innocencie, and too much integrity ſhall be coun-*

ted

ted a fault. Theſe evils God turne farre from us, and appeaſe the furie popular, who cauſeth the waves or windes.

Our members are ready to be your Champions, but our minds (*notwithſtanding all interpoſitions*) are more ready, for by this time, wee ſhall muſter up our forceable troopes of ſighes, and ſhall diſpoſe of all the force of your deſires, joyfully and earneſtly looking up, and ſpreading our hands towards Heaven, praying on our knees that (with other gifts given to the Houſe) vve may enjoy (this the great Gift) and you the Giver:

From Oxford
1640.

Your moſt obſervant,
Strode, *Orator in the Vniverſity.*

FINIS.

A

LETTER

SENT TO

AN HONOURABLE

GENTLEMAN,

IN WAY OF

SATISFACTION,

CONCERNING

Some ſlanderous reports lately raiſed againſt the BISHOPS, and the reſt of the CLERGIE of this KINGDOME.

By B. Hall

Printed in the yeare, 1641.

To my noble friend Sir VV. VV. KNIGHT.

Much honoured Sir,

SO ſoon as (to my great griefe and aſtoniſhment) I received notice from you of the ſtrange rumour generally ſcattered abroad, of a thouſand horſe or more, that ſhould be provided by the Clergy, and eſpecially by the Biſhops of this Kingdome, for ſome dangerous, but ſecret exploit; I acquainted ſome eminent perſons of that profeſsion with the newes: Who at the firſt ſeemed to entertaine it with a ſmiling kind of neglect, as the fained device of a thing impoſsible to finde beliefe: but when I told them, it was not onely ſeriouſly divulged, but alſo credited by many, who ſeemed not in-judicious, they began to be ſtrucken with much horrour, and amazement; and to lament the condition of themſelves, and the times; and to impute the firſt in-

vention of this crime, to the malice of ſome ill affected perſons, who meant, by this meanes, to ſtir up the envy, and unjuſt hatred of good people againſt their perſons, and calling. Good Lord, ſaid they, were wee not loaden enough before with the weight of more then our own enormities, but we muſt be cruſhed with the heavier preſſures of imaginary miſchiefes? Alas, what have we done thus to irritate, and enrage the world againſt us? What can it bee that makes us guilty of this fury? How many of us are there, that have not yet been taxed with any crime but our Rochet? yet wee ſuffer no leſſe, then if it were an offence to be innocent. After they had a little breathed out their ſorrow, they recollected themſelves, and began to thinke what they might doe to give the world ſome kinde of ſatisfaction, in this odious aſperſion that is caſt upon them: at laſt they reſolved that however they doubted not but time would fully manifeſt their integrity, yet, that in the mean while it was not fit that their ſilence ſhould make them acceſſary to their owne cauſeleſſe infamy; and therefore they earneſtly deſired me to take, and give notice to your worthy ſelfe, and all other ingenuous perſons, of their ſerious and ſolemne

lemne Proteſtation, before God and the world, of their cleare and perfect innocence in this behalfe. They doe therefore call the God of heaven to witneſſe, that they are ſo far from having any hand in any buſineſſe of this kinde, that they never heard or received the leaſt intimation of any attempt, word, purpoſe, or thought tending this way; neither can yet imagine what the meaning of any ſuch combination, or enterpriſe might be: as thoſe who have deſired, in all their attendance on theſe publick ſervices, to approve their fidelity, to God, their King, and Country. In the conſcience wherof, they bade me to challenge all thoſe ſecret whiſperers, who have thus gone about to poyſon their good names in the opinion of all loyall and true-hearted Subjects, to notifie and bring forth ſpeedily the grounds of thoſe accuſations; and to fix them upon ſuch perſons, as they dare charge for guilty; that the truth of theſe criminations may ſo appeare to all the world, as that either themſelves may receive ſhame, or the offenders, judgement.

And withall they doe moſt humbly beſeech the moſt honourable Lords, and Commons of this preſent Parliament, that they will be pleaſed,

with all poſsible ſpeed, to ſearch this matter to the bottom; & to follow this foule ſlander home to the firſt riſe; that if any of them be found, in the leaſt meaſure, guilty of this crime, pretended againſt King, or State, hee may forthwith ſuffer condigne puniſhment to the utmoſt; wherein they profeſs that their hands ſhalbe the firſt upon him, as the unworthy and perfidious violater of their ſacred Order: And, if this report ſhall bee found (as they are confident) utterly groundleſſe, and meerly ſlanderous, they beſeech that higheſt Court of Juſtice, for Gods ſake, and for the Churches ſake, that they will bee tenderly ſenſible of this abominable injury, that is herein done to their holy profeſsion; and take ſome ſpeedy courſe for the publicke vindicating of their innocence to all the world.

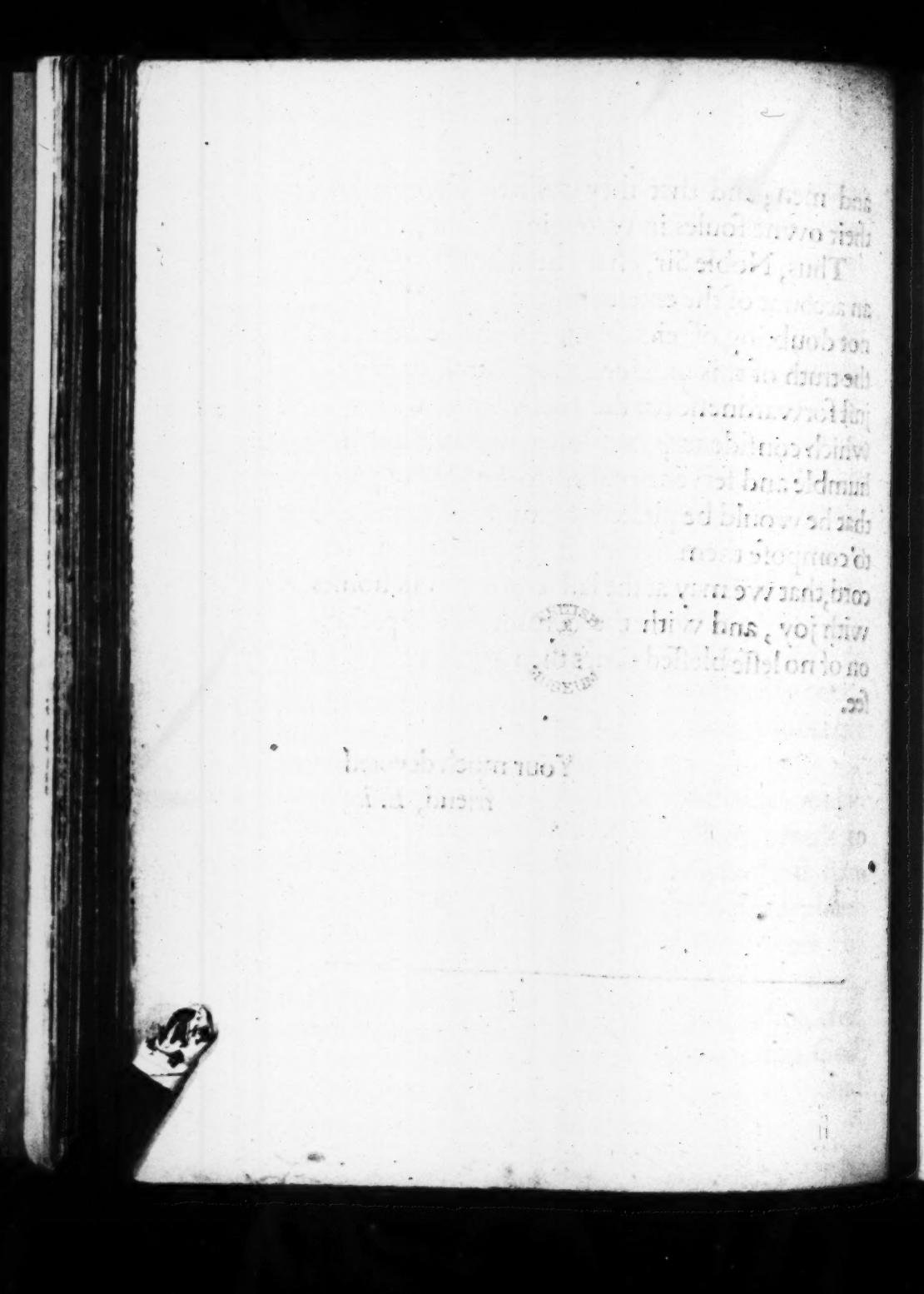
And, laſtly, they doe earneſtly beſeech, and in the name of God, adjure, all Chriſtian people, to beware, how they give light credit to thoſe ſlanderous ſuggeſtions, that are, in theſe deplored times, moſt untruly raiſed, and caſt abroad by uncharitable, and malevolent men, againſt thoſe, whom God hath ſet over them; and who deſire, in all good conſcience, to bee approved to God,

and

and men; and that they will forbeare to hurt their owne ſoules in wronging the innocent.

Thus, Noble Sir, I have been bold to give you an account of the entertainment of your ill news; not doubting of either your charitable beliefe of the truth of this unfained Proteſtation, or of your juſt forwardneſſe for the ſatisfying of others; In which confidence, I take leave; not without my humble and fervent prayers to the God of peace, that he would be pleaſed to temper all hearts, and to compoſe them ſo to an happy unity and concord, that we may at the laſt returne to our homes with joy, and with the comfortable expectation of no leſſe bleſſed times then we have lived to ſee.

Your much devoted
friend, *E. I.*



10

THE IUDGES RESOLVTIONS.

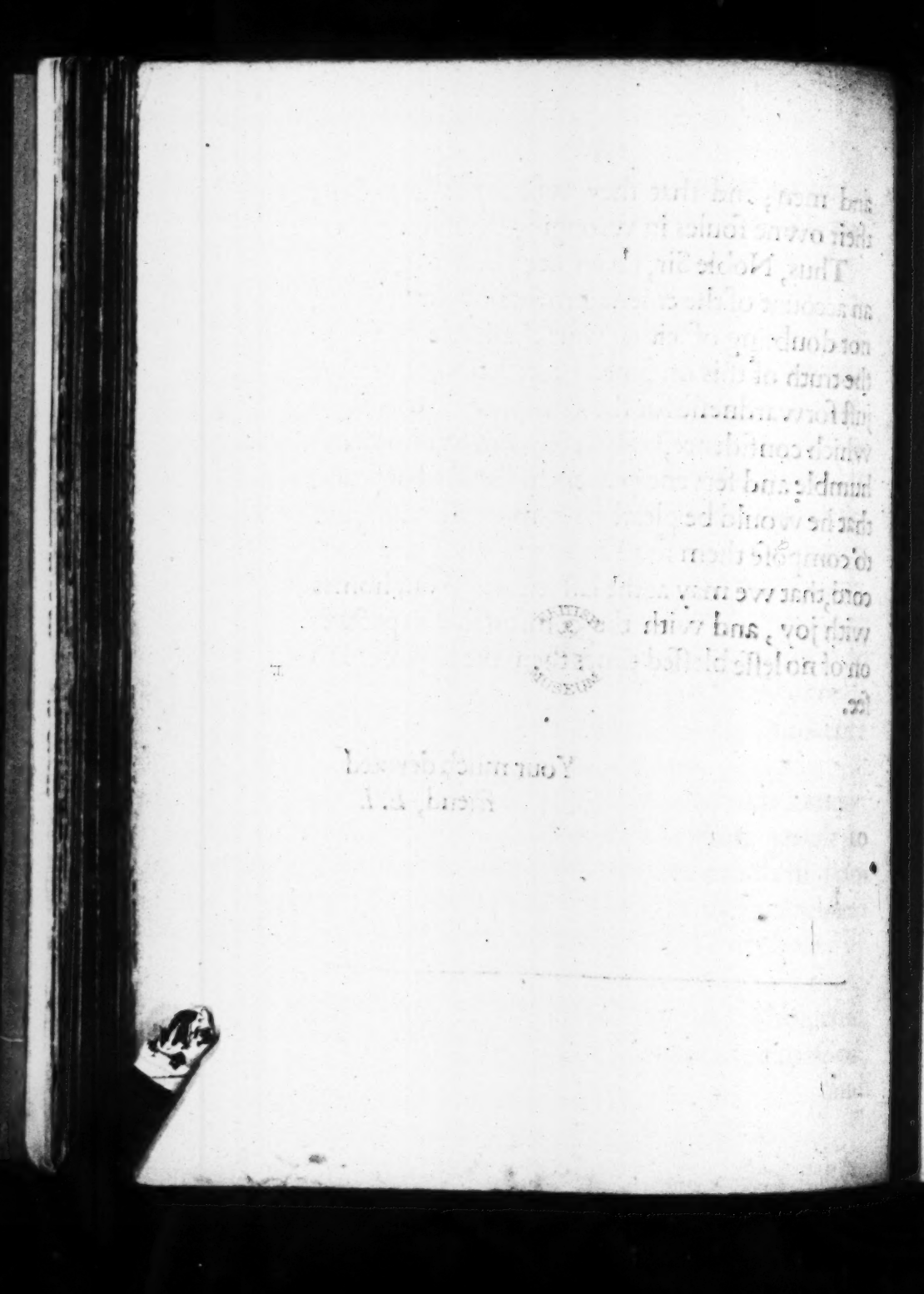
Concerning Statute Law for Pariſhes, and the power of Iuſtices of Peace, Churchwardens, and Conſtables; and to know what they are to do concerning Baſtards borne in their Pariſhes, relieſe of the poore, and providing for poore Children, what remedy for the ſame.

11

With a Declaration for what manner of ſpeciall Nuſance concerning private dwelling Houſes, a man may have his remedy by Aſſiſe, or other Action as the Caſe requires.

Unfolded in the Arguments, and opinions of foure famous Sages of the Common Law; together with the power and extent of cuſtomes in Cities, Townes, and Corporations, concerning the ſame: together with the determination of the Law, concerning the commodity and uſe of Houſes, and their appurtenances.

Printed at London by *Tho.* and *Rich. Cotes.* for *Will. Cooke*, neere *Furnivals*-Inne gate in *Holbourne*. 1641.



THE IUDGES RESOLVTIONS,

Concerning Statute Law for Pariſhes, and the power of Iuſtices of Peace, Churchwardens, and Conſtables; and to know what they are to do concerning Baſtards borne in their Pariſhes, reliefe of the poore, and providing for poore Children, what remedy for the ſame.

With a Declaration for what manner of ſpeciall Nuſance concerning private dwelling Houſes, a man may have his remedy by Aſſiſe, or other Action as the Caſe requires.

Unfolded in the Arguments, and opinions of foure famous Sages of the Common Law; together with the power and extent of cuſtomes in Cities, Townes, and Corporations, concerning the ſame: together with the determination of the Law, concerning the commodity and uſe of Houſes, and their appurtenances.

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THE
JUDGES
RESOLUTIONS

Concerning Statute Law
for Parliaments and the power of Iudi-
ces of Peace, Churchwardens, and
Constables, and other Officers
concerning Publick Bonds in their Pre-
cincts or the poor and punishing
incorrigible Rogues.

With a Declaration for what manner of
Speciall Offences
Heriots

Unfolded in the Arguments and opinions of those
famous

The Arguments and opinions of foure famous Sages of the Common Law, touching the power, and extent of cuſtomes of Cities, Townes, Corporations, and Inheritances, together with the determination of the Law concerning the commodity, and uſe of Houſes with their appurtenances, and wherein an action may be maintaineable concerning the ſame, and wherein not.

A Man hath a Houſe, and the Windows thereof open into another mans houſe, whether hee may builde a houſe, ſo as to ſtop up the ſame lights, or not: concerning which, I purpoſe to ſhew you my opinion, and likewiſe to ſhew unto you the neceſſity and uſe of Houſes. Mr. *Mounſons* argument.

The firſt, and chiefe uſe of an houſe is to defend man from the extremity of the winde, and weather. And by the receit of comfortable ſight, and wholeſome aire, into the ſame to preſerve mans body in health.

Therefore whoſo taketh from man ſo great a commodity, as that which preſerveth mans health in his caſtle, or houſe, doth in a manner

manner as great wrong as if he deſeiſed him al. together of his Free-hold.

As if I have a Mill, and another will turne away the water running to the ſame, I may bring an Aſſiſe againſt him.

So, if I have a Pipe, which conveyeth water unto my houſe through the ground of another man, and he will cut my pipe, I ſhall have an action againſt him: In like manner who ſo ſtoppeth my light, is the cauſe that no ayre can enter into my houſe, without which no man can live, and a houſe lacking light, is rather a dungeon then a houſe.

If one who hath a horrible ſickneſſe be in my houſe, and will not depart, an action will lye againſt him, and yet he taketh not any ayre from me, but infecteth that which I have.

So if one caſt filth neere unto my houſe, I may bring my action againſt him. If a man build ſo high that his houſe droppeth on my houſe, I ſhall have remedy againſt him.

And though light and ayre be common, yet if by any mans owne act they may bee made private, they may not then bee taken from him, and if they be, hee ſhall not be without remedy.

This appeareth by Hawkes, and Deere, which be *ferænaturæ*, yet if by mans induſtry they are made tame, the owner will thereby gaine property in them: but peradventure it will bee ſaid, The foyle is his owne, and it is *Damnum*

abſq;

absq; injuria, what then? though it be his owne, he muſt ſo uſe it, that hee hurt not his Neighbour.

As if a man had a Pond of water, and will ſuffer it to drowne his neighbours land, he ſhall have remedy againſt him.

If a man bee bound to repaire the bankes of the ſea that it drowne not the land adjoyning, and ſo doth not, but the land is drowned; an action lyeth againſt him. You may perhaps ſay there is plenty of light remayning, this notwithſtanding our action will lye very well, for the taking away, or impayring part thereof. As an action was brought *quare arctavit*, & 2. H. 4. where a man had a way and another plowed the ſame, and it was thought there that an action would very wel lye, and yet the way remained. If I have common in your Land, and you will plough part of the ſame Land, I ſhall very well maintaine an action againſt you. So it is of Common of Eſtovers, and pitcary: and yet in all theſe caſes, the whole is not gone, but ſome part remaineth. This proveth that though hee hath not ſtopped the whole light of the houſe, yet for that he hath ſtopped parcell, an action is very well maintainable, but if you had ſaid, that on the ſame ſide there had beene plenty of light, it might have better ſtood with reaſon.

As touching your cuſtome, whereby a man may ſtoppe his neighbours lights: I thinke this

is rather *malus usus*, then any custome: for as I have learned of Mr. *Hales*, a custome is thus defined, *Consuetudo est jus non scriptum nunquam repugnans rationi naturali*, and therefore if any custome swerve from reason, and naturall equity, it is but *malus usus*, and for that to be abolished, for by entendment, and consideration of the law, and reason, every custome had a reasonable beginning, as that case in 35. H. 6. of selling Iewels in Cheapeside may have a reasonable beginning. In like manner the custome of *Gavelkinde*, that Sons shall equally inherit the Lands of their Fathers. Such is the custome, that if a woman marry without licence, that she shall loose her dowry.

So is it also of the custome that one Towne may enter common with another. All these, and such like may well bee thought to have a reasonable beginning.

Otherwise it is, where by intendment their beginning cannot be thought reasonable.

As that a man shall pay reliefe, when that he shall marry his daughter. And as the custome is in Mich. 35. H. 6. fol. 31. of the pledging of goods: So it is of the custome, to arrest a man before the day of payment. In like sort in 1. H. 4. that the tenant shall not put his beasts into the Common, before the Lord hath put in his, which peradventure he will never doe, so it is 10. H. 6. If the Major of a Towne will prescribe to impound all beasts which shall be

damage

dammage feſonet in his owne pound, and there to keepe them till he be ſatisfied as he liſt, or if he preſcribe to uſe, and occupy the ſame beaſts howſoever he pleaſeth.

In 2. R. 3. and 22. E. 4. one demanded whether it were a good cuſtome, that if the Mayor of a towne ſuſpect a man, that he may arreſt and impriſon him 3. dayes: this was thought no good cuſtome, but to be moſt abhorring, and diſſonant from reaſon. And therefore forasmuch as houſes be neceſſary, and cannot bee without light and ayre, their beginning was lawfull, neceſſary, and reaſonable, but that a man might ſtoppe up his neighbours lights, was never neceſſary, neyther had lawfull, or reaſonable beginning, neither had any time obtained the force of a law, or cuſtome, for in K. *Hen.* the 2. his time, it was but a conſtitution in *London*, and not any cuſtome, and law, & therefore never allowed or confirmed in Parliament, for *Magna Charta Ca.* 9. did confirme ſuch old liberties and cuſtomes as *London* had at that time: And therefore, if this were not any law or cuſtome at the time of the making of that ſtatute, it neither was nor could be confirmed by the ſame, for the more generall Statutes ſhall have a reaſonable conſtruction. As the Statute that doth prohibite maintenance, ſhall have a conſtruction, for lawfull maintenance is not thereby prohibited. The like law is that where it is ſaid, that a fine ſhall bee a Barre to a *feme*

coverte,

coverte; this is to be understood of a good, and lawfull fine, so this confirmation by Parliament of customes, and liberties of *London*, shall bee intended a confirmation of all their good, and lawfull customes, and not of unreasonable, or wrongfull usage, such as in 27. H. 6. if the house of tenant for terme of yeeres decay, that then he shall pay no rent, &c. But if your custome were then good, and so confirmed by Parliament, yet the words thereof may not be stretched to our case, the words are *visus fenestrarum*, and the Civill Law saith, a man may *estop visum*, & not *lumen*, *lumen est descendens de cœlo*, *visus est meus prospectus ad terram*.

And our Law saith, *petit visum terræ*, and *visus* and *lumen* differ. But Sir you cannot in this case defend your selfe both by the Common law and custome too. For you ought absolutely to trust to the one of them, and if you had plead thus by way of Bar, your plea without all doubt would have beene double.

As if a man will pleade affeasement with warrenty, and rely not on the warrenty, this plea is double, so in the case at the Barre, you plead both the common Law, and the custome, and your plea is double, and therefore for all these causes I thinke the plaintiffe ought to recover.

Mr. *Plowden*.

Mr. *Plowdens* argument.

Albeit it hath beene alledged, that the windowes

dowes have beene time out of memory there, and the lights ancient, it is all one, as if the houſe had beene built at this day. Put the caſe there is a pale betwixt your ground and mine, and you build to the uttermoſt part of mine, by your firſt building I am bridled and ſtopt of my building; And in the Country who ſo maketh a hedge, will make a dike in the uttermoſt part upon his owne land. So hee that maketh a Parke, will leave ground out of the ſame compaſſe without the pale for the Keeper to walke about it, for there he may better heare if any body bee there within, then if he were within himſelfe, And this is called free-bownd. If a man build his houſe ſo high that it droppeth on mine, an action will very well lye, for there is a manifeſt hurt, and wrong done unto me: but 22.H.6. where the *Prior* of St. *Edees* had three Mills, and other man built another by them, he could not have any remedy for this. But if any of his tenants which held of him by grinding at his Mill grinde at the new Mill, the *Prior* may have an action againſt him, for he whoſe the land is, might uſe the ſame for his greateſt commodity, and gaine.

If a man cut downe Trees which fall upon an other mans land, he ſhall have his action; otherwiſe it is, if a Tree fall by reaſon of winde. So in our caſe: of our owne ſoyle we may make the beſt, as in 12.H.8. a man had apond, and let the ſame runne out, whereby the next dwellers

land was drowned, this was but *damnum absq; injuria*, wherefore no action would lie. In 4. E. 3 a man had a Lime-kilne, which destroyed the Fruit of his neighbour, who maintained his action, for in that case this taketh place, *Sic utere tuo, ut alienum non lædas*; And Mr. *Rastall* saith in his booke, if a man have a Dye-house, and the water which runneth to his house, killeth the Fish of another, an action lyeth. If a man cast filth under my walls, I may punish him for it. And in the 46. E. 3. The Prior of *Buckhurst* had a sluice, whereby Salmons came in, and one stopped the same, wherefore he had his action. Like whereas one cutteth away the water, which runneth to my mill, for the proofe where of Mr. *Raynolds* put a case out of 19. E. 3. where an Assise was brought for two things, one because he had levied a house to stoppe the light; an other, because he could not repaire the same: There it was thought that no action would lye, because he might have remedied this in the beginning when he built his house. And the case was in 7. *Edw.* 3. in the last point, and there the Lawyer sayd, that hee might have left space enough in his owne Land, and the party was non-suted. *Horwoods* report hath two verses,

Sæpe recordare si debes ædificare
Vt poteris stare cum eam vis reparare.

But you ayde your selfe with a preseription that

that you have had light time out of minde, this is no good preſcription, for a preſcription muſt be againſt ſome party. But this is againſt God; You ſay further, that the other had no houſe, which is not good, for a preſcription muſt be in the affirmative, and this is in the negative, and ſo ſayth *Priſot* in 22. H. 6. that a man cannot preſcribe in the not having a houſe. But admitting it to be the uſage.

An uſage is generall, and a conſtitution ſpeciall in 11. E. 4. A diverſity is taken betweene uſage, and cuſtome, for that a cuſtome is a thing diſagreeing from the Common law, but not contrary, and alſo it would not be beautifull that Cities ſhould haye any voyd places in them, and it would be moſt honourable that they ſhould be populous. And therefore was there a Statute made 27. H. 8. *ca. primo*, that there ſhould not be any voyd places in diverſe Cities, alſo houſes are neceſſary for the ſuſtenance of man, in 22. E. 4. there is a cuſtome that if a man plough his Land, he might turne his plough upon an other mans land: and this was thought a good cuſtome for the favour of Tillage, much more our caſe of Building is to be favoured. 8. E. 4. the cuſtome is, that a Fiſh-man may drive ſtakes into an other mans ground to dry his Nets, which was allowed for a very good cuſtome. Likewiſe 15. E. 2. one preſcribed that when the Hay was carryed out of a certaine medow, that hee ſhould occupie the land untill our *Lady* day, which was allowed by the Court. So a man

may preſcribe to have Common of eſtovers in another mans land, and to cut them down himſelfe. The Lord in ancient demeſme preſcribed, that if the vallaine of another Lord remained a yeere and a day in ancient demeſme, that then it ſhall not be lawfull for his Lord to take him from thence. In like manner, one may preſcribe to have gravell in my Land, and all theſe cuſtomes ſtand very well with reaſon. If I have a way, and another man plow up the ſame, I cannot have an action on my caſe, but I muſt have a an Aſsiſe and ſo is the booke in 2. H. 4. M. *Fleetwood* ſaith that all cuſtomes muſt ſtand with reaſon. And in 5. E 4. it is ſayd, that albeit all cuſtomes are comfirmed, yet they muſt be examined, by the rule of reaſon, as the cuſtome of *Gavelkinde* ſtandeth with reaſon. The Statute that giveth a writ of raviſhment *de Gard* to *Guarden* in ſoccage ſhall be extended to the Mayor, and Aldermen of *London*, to give them like remedy which was confirmed by 1 E. 3. Alſo the Statute that no man ſhall give lands in Mortmaine, yet Citizens and Freemen of *London* may give lands in Mortmaine by their cuſtom, which cuſtome is alſo confirmed by act of Parliament. As for the doubleneſſe of the plea I will not ſay any thing, for that it is not any Iuſtification, but onely for to diminiſh the damages, if perhaps it bee found againſt us. And therefore upon the whole matter, I thinke the plaintiffe ought not to recover in this action. I thinke the contrary, and firſt I will conſider theſe foure things.

First,

First, whether such buildings, *ex oppoſito*, be a nuſance by the Common law. Mr. *Wrayes* Argument.

Secondly, whether this cuſtome bee a good cuſtome.

Thirdly, whether ſuch kinde of buildings be for the beautifying of the City.

Fourthly, whether the ſaid confirmation by Parliament make this cuſtome good, or not.

As touching the firſt matter, the nuſance which is ſuppoſed to bee in ſtopping up of windowes in the South part of an houſe, I conceive is a nuſance by the Common law, for by the Common law, one ſhall not hurt the Freehold of another, and no greater hurt, grieveance, or dammage can bee done to any mans Freehold, than to take away the light and ayre thereof, which is comfortable, & commodious for him; for when this light, and ayre are taken from him, his houſe remaineth as a dungeon. And diverſe caſes there bee where a man taketh away from another not the thing it ſelfe, but the commodity of the thing, and for that he ſhall have his remedy by action: as if I have a water running through your ground unto my Mill, and you will turne away the courſe thereof, or ſtoppe the ſame; I may bring an aſſiſe 9. E. 3. *pla.* 19. yet I will confeſſe, that if an other build a Mill by my Mill, I may not have any action, as 22. H. 6. for it is *damnum abſque injuria*. So it is in 2. H. 4. in the caſe of the Schoole *eadem ratio*. But if any ought to grinde at my

Mill, and another will hinder them, an action lyeth, 9.H.6. *fo.* 45. where the Pryor of St. *Bartall* had a Faire, and one interrupted the commers thereto, whereby his Toll was impaired, and yet not his Faire, but the profit of his Fayre taken away, and he had remedy. So in our case he hath not medled with our Freehold, and yet hee hath hurt our Freehold. So in 4. E. 2. 13. E. 3. If I have a Faire, and the King will grant another, if my Fayre bee impared by this I shall have an action, and so of a Ferry, and the reason is, because a man is compellable to maintaine his Fayre, Ferry, or market, and if hee doe not, it is punishable in a Leete. But of a Schoole, otherwise it is, for that a man is not bound to maintaine it, but Houses and Cities men are bound to maintaine, and that by Statute, otherwise they may incurre the punishment. 18. E. 3. one built his house so high over mine, that the raine dropped from his upon mine, and it was thought there that an action was maintainable, yet that hurt might have beene amended *a fortiori* in our case where the hurt is perpetuall, and cannot be amended. And if for a way an action lyeth, as it is in the 42. E. 3 much more for an hurt to our health, which above all things men have regard unto, for the proofe whereof we have a writ in the Register *de leproso amovendo*. Likewise the selling of corrupt meate, whereby mens bodies may sustaine harme, is punishable in a Leete, which proveth

that

that the Common law hath regard unto the health, and welfare of every private man. There is a case in 4. E. 3. *lib. ass. pla.* 3. where one built a Lime-kilne, and his neighbour was anoyed by the smoke thereof, and had his remedy. If a man shall be punished for smoke, which may be avoyded, and dureth but at times, what shal wee thinke of the taking away of light, and ayre, which cannot be amended, but remaineth a continuall and perpetuall nusance: as for the cases in 19. E. 3. which hath bin avouched so oft to make strongly against us, I take them to be one case, for so much as the Iustices which speake in one place, speake also in the other place, and last of all in both cases, the case was thus, an assise of nusance was brought, and the Plaintiffe counted how the Defendant had levied a house, so that thereby his light was stopped up, and that he could not so well come to his house as he did before, also that he could not repaire his house so well as he could before.

Herebe said, as to the light be it a nusance, such a one as it is *Tiel. quel.* for the repairing none, for when a man buildeth, hee must leave so much space on his owne ground that hee may come to repaire his house, and if he had thought that stopping of his light had bin no nusance he would not have said, be it a nusance *Tiel. quel.* but have said as he did to the other case of repayring, it is no nusance. And therefore for the first matter, I thinke this to be a nusance by the Common law

As

As touching the ſecond matter, whether this cuſtome be a good cuſtome or not, and I thinke the ſame is no good cuſtome : For *conſuetudo eſt in. &c. ut ſupra*, a cuſtome is not a gainſt law, and reaſon, but this cuſtome of yours is againſt reaſon, and is in effect, as if a man ſhould take my life from me, for theſe bee the inſtruments to maintaine, and preſerve mans life, and the law ſaith, *ſic utere tuo, ut alienum non ladas*, there fore a cuſtome againſt this precept, is *malus uſus*, and therefore *abolendus*, as the caſe in 21. E. 4. If the Kings Bayliffe or any other Bayliffe diſtraine Cattell, and bring them to the Lords Pound, and if the owner did not within three dayes agree with the Lord, that then he ſhould looſe his Cattell, this was thought unreaſonable and not allowed for any good cuſtome. So in 9. *H.* 6. where there the Lord of a Leet would have preſcribed to have all the waſte ground, but he could not, becauſe it was againſt reaſon, that he who had nothing in the land ſhould have the wafts. Like unto the ſaid caſe in the 35. *H.* 6 *fo.* 31. of pledging of goods, and ſuch is that caſe in 43. *E.* 3. where the Lord of the Mãner would have preſcribed, that none of his tenants ſhould marry their daughters without his licence; this cuſtome was thought to bee againſt all equity, and reaſon. In 13. *E.* 3. in a *dum fuit infra ætatem*, one would have preſcribed, that if the Plaintiffe could number 12*d*. he might *alien* his land by the cuſtome : this is not a reaſonable cuſtome,

for

for a man may be able to number 12*d.* and yet not have diſcretion enough to alien his Land. So it is likewiſe againſt naturall reaſon, that one ſhould barre me of my light, and ayre, without which I cannot live, and therefore theſe things be of neceſſity. Alſo it is againſt the Law that one ſhould meddle with the Freehold of another man, unleſſe it be for a Common-wealth, as 8. E.4. where one juſtified the ſetting in of ſtakes for to dry his nets, and likewiſe in the 11.H.2. where one brought an action for taking or driving his Hogges, the Defendant juſtified, becauſe the cuſtome of the City was, that if any mans Hogges came into the City, and upon warning given to the owners to keepe them out; if they came againe, that then they ſhall be forfeited. This is a reaſonable cuſtome, becauſe Swine are beaſts that may cauſe diſeaſes to bee in a City, and therefore it is againſt the Common-wealth, in 22.E.4. Where it is ſayd, that a man may turne his plow upon another mans land, that is a good cuſtome, for by this meanes no land ſhall be unſowne, which is for the maintenance of Tillage, and the benefit of the Common wealth. But this your cuſtome is but a private cuſtome, and not for the maintenance of the Common-wealth, and therefore is like unto the cuſtome in 43.E.3. that if the tenant ceaſe to doe his cuſtome, the Lord may enter, this cuſtome ſtandeth not with the Common law, neither with the Statute which put-

teth the Lord to his *ceſſavit*, and giveth him not any entry. So it is to be thought of the cuſtome in 2.H. 4. that the Tenants ſhall not put their beaſts into the Common before the Lord hath put in his, which peradventure he will never do, ſo that the Tenants ſhall never have their Common. So it is if a man preſcribe that the alienation of the Husband of the Lands of his Wife ſhall bee good without examination of her. Like law of the cuſtome in 43. E. 3. that if any goods be wayned in any manner, and if any man take them, that then it ſhall bee lawfull for mee to diſtraine, and detaine thē diſtreſſe untill ſuch time as I am ſatisfied: by theſe caſes rehearſed it is manifeſt and cleare, that all uſages againſt naturall reaſon, and the Common law of this Realme, are not cuſtomes, but evill uſages, and not to be allowed. So in our caſe a cuſtome to take away a mans light, and ayre, preſervers of health, muſt needs bee *malus uſus*, and therefore ought to bee taken away; For good uſages ſtand with reaſon, and as *Bracton* ſaith, muſt give place to reaſon and law. But you will ſay, that the law of your City is ſuch: I ſay if it ſtand not with reaſon and law, it ſhall not bee allowed. As 16 E. 3. in an appeale brought by a Cittizen, the Defendant waged battaile, this Cittizen ſaid the cuſtome of *London* is ſuch, that a ſtranger ſhould not wage battaile againſt a Citizen, this was thought no good cuſtome, nor ſufficient to deprive a man

of

of a benefit, which the law giveth him. And ſo in 27. H. 6. in an action of debt upon a leaſe for yeeres, the defendant ſayd that the cuſtome was, that the plaintiffe ſhould repayre the houſes, and if not, that the defendant ſhould pay no rent, this was thought to bee no cuſtome allowable. For the third point, this is no beautifying at all to the City. In our caſe Mr. *Hayles* his houſe is an ancient houſe, and therefore againſt reaſon that by later building, the commodity, and uſe of the ſame ſhould bee taken away. You ſay alſo that it is a thing honourable to have buildings in Cities; This I grant, and I thinke no man will deny it: but by building of one, to impaire a better houſe, this is not any beautifying, or honour at all to a City, but rather the contrary. For the fourth matter, if the cuſtome be not good, the confirmation cannot make it good: for as I take the law, the common learning is, that a confirmation cannot make a voyd thing good: as for a confirmation *eſt firmum facere id quod non firmum fuit ante, ſed fuit tamen*, 26. H. 8. If an Infant grant an advouſon, and at his full age confirmeth the ſame, by this confirmation nothing is wrought. So it is in the caſe of 33. E. 3. where the leaſe for yeares was made by a Biſhop, and he dyed before the yeeres expired, the ſucceſſour confirmeth the ſaid leaſe, and *nihil operatur*. Likewiſe in 39. H. 6. the King granted an advouſon to one, and after granted the Manor with the advouſon to

another, and after the confirmation is made, yet the advouſon paſſeth not. But where the Statute limitteth that men may deviſe unto corporations in Mortemaine, yet if they will deviſe to any that is not a Corporation, it is without warrant: And alſo albeit a man may not wage his law in *London*, yet if at the Common law, an action be brought againſt him, hee may: So it is of the caſe in 20. H. 6. that if one be brought before the Sheriffe, that the Mayor may diſmiſſe him, yet after judgement hee may not diſmiſſe him.

Likewiſe 12. E. 4. where one would have preſcribed to buy things without paying of tolle, that he could not be allowed. And therefore I will conclude that ſuch cuſtomes as ſtand with law, and reaſon, are to be allowed, and contrary ſuch as ſwerve from the rules of law, and reaſon, to be diſallowed. As this cuſtome of yours, that a man ſhould ſtop his neighbours lights is altogether unlawfull, and unreaſonable, and therefore the plaintiffe ought not thereby to be barred of his action.

Mr. *Manwood*.

Mr. *Manwoods* Argument. Here bee two matters chiefly to bee conſidered, whether by the Common law this bee a nuſance, to ſtop up part of a mans light, then if the Common law ſeeme to be doubtfull, whether the cuſtome will helpe us, or not, divers caſes

caſes have beene put, when a man toucheth not the Free-hold of another, but on his owne land doth wrong unto another mans. But all theſe caſes doe vary from our caſe, for they are where a man hath a private profit in a thing, and another by doing an act upon his owne land taketh away the ſame, wherefore an action will lie, as the caſe in 46. *Edw.* 3. where the Abbot of *Buckhurſt* had Salmons, comming in at a ſluice from the Sea, and a ſtranger ſtopped the ſame, ſo that they could not come, and hee had his action. So it is where one taketh away my way, becauſe this is a thing locall. And ſo if water running to my Mill, if one miſcarry the ſame: generally whereſoever I have a private profit, or interreſt, and one barre me of the ſame, it is injury: but the ayre is not any element locall, neyther may any man miſcarry it, for it ſuffereth nothing to be voyd, alſo light, and ayre bee not things of neceſſity, but of pleaſure, and bee not any profit in *certo loco*, and therefore not like unto other caſes of things both profitable, and alſo neceſſary. The caſe of the Ferry I will grant, that if I have a Ferry to tranſport men, and another will erect another I ſhall have an action, becauſe that I am compellable to maintaine it, and the not keeping of it, is preſentable in a Leete. The ſame law is of the Market, where the King granteth another Market *ad nocumentum* of mine, I may have a *Scire facias* to repeale his letters patents if he have theſe words

in them, that the grant ſhould not bee to the hurt, or prejudice of any other market; and if not, I ſhall have an action on my caſe: your caſe was alſo compared to the caſe in 4. E. 3. and 4. *aſſ. pla.* 3. where the *aſſ.* was maintained, not for that the plaintiffe was annoyed by the ſmell of the ſmoke, but becauſe his Apple-trees, and other his fruits were deſtroied by the ſame, & this is a good reaſon, for that it is to his diſinheritance. As for the caſe of the Lime-houſe at *Ratcliffe*, and the ſmoke of Smiths houſes which caſt many unſavory ſmels, it is *damnum abſq; injuria.* And I my ſelfe was by a Smith annoyed by the ſmell of his ſmoke, but yet might I not have any action againſt him. In 18. *Edw.* 3. one built an houſe ſo high that it dropped from his to mine, in this caſe an action will lye, for my tyles are thereby conſumed, *gutta cavat lapidem.* So of the caſe in 2. H. 5. if by common aſſent our houſes joyne and a gutter is made betwixt us, if I plucke up my part, you may maintaine an action againſt mee. All theſe caſes hitherto put, have beene of taking away a locall commodity, or elſe of conſuming ſomething.

The caſe of the filth I finde not in my booke, but in the booke of Entries, and there it was *Per parietes*, ſo that the wals were hurt thereby. But I will agree with you, that if all your windowes were ſtopped, that an action will lie, and where you ſay, *ſic utere tuo ut alienum non lædas*,

this

this is not meant of things of pleaſure, but of things of profit. And here is not any part of your houſe conſumed, but herein a let of your pleaſure onely, for which your action is not maintainable. And if I have a Windmill, and another will build another by mine. I cannot have any action againſt him. 11.H. 4. 7.E.3. 22.H.6. But otherwiſe it is of a Watermilne, *9.aßiſar.pla.*19. where one had a Watermill, and another built neere unto him, ſo that hee could not grinde ſo much as he was wont, in this caſe a man may very well maintaine his action. If I have an Inne, and another ſet another in the ſame Towne, hee is not puniſhable, but if hee will ſtop my gueſſe, which come to my houſe, I ſhall have remedy. If I have a Brew-houſe, and another build another by mine, I ſhall have no action. 12. H.8. If water fall on my land, and I make a Sluice, and let it out of my land unto another mans; this is diſpuniſhable, for every man may doe this one after another untill it come unto the River, but if it be a river, otherwiſe it is; For there it is in *loco certo*. If one houſe ſhould not bee adjoyning unto another, it would bee a great deformity, and if *Cheapſide* were ſo built, it would be a ſtrange *Cheapſide*. And the Civill lawes ſay, that two lights on the former part, and backe of an houſe, are ſufficient. And if you make your windowes into our garden, this is a wrong done unto us, for by this meanes I cannot talke with my friends

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in my Garden but your ſervant may ſee what I doe, and ſo the wrong firſt begun in Mr. *Hales*. And therefore *Vim vi repellere licet*. And *I.S.* hath not conſumed, or hurt any part of his houſe, but interrupted him of his pleaſure only. But I further affirme, that for every hurt a man may not have an action, but if a man bee oftentimes hurt, he may very well have an action. As if the Lord diſtraineth for rent, an action lyeth not, but if he diſtraine ſo oft, that I cannot plow my land, I ſhall have an aſſiſe. So the Kings grant of exemption to one is good, but if it be to diverſe, it is not good. But if the Common law would not helpe us, yet cuſtome will, & whereas it hath beene ſayd, that it is againſt naturall reaſon, and law, it is not ſo, *Conſuetudo ex rationabili cauſa privat communem legem*, and unleſſe it do *privare communem legem*, it is no cuſtome. As that an Infant of 15 yeares age, may alien. For at this age he may conſent to marriage, therefore in as great reaſon may he alien his lands; & in ſome places any Infant of 9 yeares may binde himſelfe apprentize, which is a good cuſtome and ſtandeth with reaſon. But ſome cuſtomes there are that be not good. As that the tennants ſhall not drive their beaſts into the Common before the Lord hath put in his. So if the leſſee will preſcribe to ſurrender at his will, 7.H.6. otherwiſe it is of the cuſtome in the 14. H.4. that the Tennant ſhall not alien without the preſentment of the ſame before, this is a good cuſtome

cuſtome, and yet againſt common reaſon, but yet if it hath any taſte or ſmatch of reaſon, it ſhall be allowed. As if the Lord preſcribe that the tenant ſhall not common with any beaſts, but thoſe which were bred on the ſame land. this is good, for this will cauſe the tennant to breed Cattell; likewiſe that a *feme ſole Merchante* ſhall ſue without her husband, this is good, and yet againſt Common law, and reaſon, becauſe the husband hereby is diſcharged of all ſuch buſineſſe: therefore if a cuſtome have any part of reaſon, it ſhall be allowed. As 8. E. 3. that a man may make an eſtate to his wife during her life, and that ſhould bee as good as an endowment *ad oſtium eccleſia*. So it is of the cuſtome of the Iſle of man, that to ſteale a Capon, or a Pigge, ſhall bee Felony, and not to ſteale a Horſe, or Cow, for that the one may bee hid, the other may not. Likewiſe is it, that the youngeſt ſonne ſhall inherit, becauſe he is leſſe able to helpe himſelfe. So is it of the cuſtome of *Kent*, The Father to the bough, the ſonne to the plow, and yet directly againſt the Common law. So I thinke of the caſe of Hogs put by Mr. *Wray*, for that in the time of peſtilence it is dangerous to let them come into Cities.

This City is the greateſt City, and moſt populous in this Realme, and the more populous the more honourable, & the more buildings, the more populous and honourable will it be. And

therefore Buildings is to be favoured. And by this building all his light is not ſtopped, but parcell. And Mr. *Hales* thereby looſeth no not any great commodity, but is reſtrained of a little pleaſure, for which he cannot maintaine his action.

To the act of Parliament I will ſpeake nothing, but this I will ſay, that if any cuſtome be meerely voyd of reaſon, it is not good. As the cuſtome in 5. H. 7. that if the Lord diſtraine the beaſts of his tenants for rent, that hee may detaine them untill hee bee ſatisfied at his pleaſure; and 21. H. 7. that if any doe breake the Pound he ſhall pay 3 l this is a voyd, and unreaſonable cuſtome to binde an eſtranger, and yet by common conſent of the Lord, and tennants, it is good to binde the tennants.

So if I preſcribe, that if any mans Sheepe goe on my ground all the day, to have the foldage of them in the night, is a good cuſtome, becauſe by common entendment the owner hath *quid pro quo*. So our cuſtome is for the maintenance of the City, neither is it againſt the common law directly, neither hereby any offence, or hurt is done unto Mr. *Hales*, for his houſe is not thereby impayred. And therefore, I thinke his action will not lye.

Finis de ceux Arguments.

RESO-

Resolutions of the Judges of Assises, 1633.

1. *Question.*

WHether the Church-wardens and Over-seers of the poore of a parish with assent of two Iustices of the Peace, one beeing of the Quorum, may by the Statute of 43. *Elizabeth, cap.* 2 or any law enforce a Parishioner of the same Parish to take a child of a poore parishioner of the same Parish, who is not able to keepe his sayd childe, to bee an apprentise?

Resol. The Statute of 43. of *Elizabeth*, which sayth, that the Church-wardens and Over-seers of the parish shall put out Children to bee apprentices, necessarily implyeth, that such as are fit must receive Apprentices, and the putting out of poore children to bee apprentices is one

in my Garden but your ſervant may ſee what I doe, and ſo the wrong firſt begun in Mr. *Hales*. And therefore *Vim vi repellere licet*. And *I.S.* hath not conſumed, or hurt any part of his houſe, but interrupted him of his pleaſure only. But I further affirme, that for every hurt a man may not have an action, but if a man bee oftentimes hurt, he may very well have an action. As if the Lord diſtraineth for rent, an action lyeth not, but if he diſtraine ſo oft, that I cannot plow my land, I ſhall have an aſſiſe. So the Kings grant of exemption to one is good, but if it be to diverſe, it is not good. But if the Common law would not helpe us, yet cuſtome will, & whereas it hath beene ſayd, that it is againſt naturall reaſon, and law, it is not ſo, *Conſuetudo ex rationabili cauſa privat communem legem*, and unleſſe it do *privare communem legem*, it is no cuſtome. As that an Infant of 15 yeares age, may alien. For at this age he may conſent to marriage, therefore in as great reaſon may he alien his lands; & in ſome places any Infant of 9 yeares may binde himſelfe apprentize, which is a good cuſtome and ſtandeth with reaſon. But ſome cuſtomes there are that be not good. As that the tennants ſhall not drive their beaſts into the Common before the Lord hath put in his. So if the leſſee will preſcribe to ſurrender at his will, 7.H.6. otherwiſe it is of the cuſtome in the 14. H.4. that the Tennant ſhall not alien without the preſentment of the ſame before, this is a good cuſtome

cuſtome, and yet againſt common reaſon, but yet if it hath any taſte or ſmatch of reaſon, it ſhall be allowed. As if the Lord preſcribe that the tenant ſhall not common with any beaſts, but thoſe which were bred on the ſame land. this is good, for this will cauſe the tennant to breed Cattell; likewiſe that a *feme ſole Merchante* ſhall ſue without her husband, this is good, and yet againſt Common law, and reaſon, becauſe the husband hereby is diſcharged of all ſuch buſineſſe: therefore if a cuſtome have any part of reaſon, it ſhall be allowed. As 8. E. 3. that a man may make an eſtate to his wife during her life, and that ſhould bee as good as an endowment *ad oſtium eccleſia*. So it is of the cuſtome of the Iſle of man, that to ſteale a Capon, or a Pigge, ſhall bee Felony, and not to ſteale a Horſe, or Cow, for that the one may bee hid, the other may not. Likewiſe is it, that the youngeſt ſonne ſhall inherit, becauſe he is leſſeable to helpe himſelfe. So is it of the cuſtome of *Kent*, The Father to the bough, the ſonne to the plow, and yet directly againſt the Common law. So I thinke of the caſe of Hogs put by Mr. *Wray*, for that in the time of peſtilence it is dangerous to let them come into Cities.

This City is the greateſt City, and moſt populous in this Realme, and the more populous the more honourable, & the more buildings, the more populous and honourable will it be. And

therefore Buildings is to be favoured. And by this building all his light is not ſtopped, but parcell. And Mr. *Hales* thereby looſeth no not any great commodity, but is reſtrained of a little pleaſure, for which he cannot maintaine his action.

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So if I preſcribe, that if any mans Sheepe goe on my ground all the day, to have the foldage of them in the night, is a good cuſtome, becauſe by common entendment the owner hath *quidpro quo*. So our cuſtome is for the maintenance of the City, neither is it againſt the common law directly, neither hereby any offence, or hurt is done unto Mr. *Hales*, for his houſe is not thereby impayred. And therefore, I thinke his action will not lye.

Finis de ceux Arguments.

RESO-

Reſolutions of the *Judges of Aſſiſes*, 1633.

1. *Queſtion.*

WHether the Church-wardens and Over-ſeers of the poore of a pariſh with aſſent of two Iuſtices of the Peace, one beeing of the Quorum, may by the Statute of 43. *Elizabeth, cap.* 2 or any law enforce a Pariſhioner of the ſame Pariſh to take a child of a poore pariſhioner of the ſame Pariſh, who is not able to keepe his ſayd childe, to bee an apprentiſe?

Reſol. The Statute of 43. of *Elizabeth*, which ſayth, that the Church-wardens and Over-ſeers of the pariſh ſhall put out Children to bee apprentices, neceſſarily implyeth, that ſuch as are fit muſt receive Apprentices, and the putting out of poore children to bee apprentices is one

of the beſt wayes for the providing for the poore.

2. Q. If they may, then whether they muſt not give money with him, and who ſhall determine what money ſhall be given with him, if the party that is to take ſuch an apprentice, and the Church-wardens, and Overſeers cannot agree thereupon?

Reſol. There is no neceſſity that money muſt bee given, but that muſt bee left to the diſcretion of the Church-wardens, and Overſeers, all circumſtances of age and ability, being conſidered, and if they cannot agree with the party, then the Iuſtices of Peace neere adjoyning, or in their default the Seſſions of peace are to determine theſe Controverſies.

3. Q. Whether a Knight, Gentleman, Clergy-man, or Yeoman, or one that is Sojourner, uſing husbandry, cloathing, or graſing, or the like, may be enforced to take ſuch an apprentice?

Reſol. Every man who is by calling or profeſſion or manner of living, that entertaineth, and muſt have the uſe of other ſervants of the like quality, muſt entertaine ſuch apprentices, wherein diſcretion muſt be given upon due conſideration of circumſtances.

4. Q. Whether a wealthy man keeping few or no ſervants, nor wanting a ſervant, but living

ving privately may bee enforced to take ſuch an apprentice; if not, then whether he may be taxed towards the putting forth of ſuch an apprentice?

Reſol. For the receiving of ſuch apprentices, the anſwer may bee referred to the queſtion next before; but out of doubt every ſuch perſon muſt contribute to the charge, as to other charges for the proviſion for the poore.

5. Q. Whether they may enforce a pariſhioner that is of one pariſh, to take ſuch a child, apprentice, that is of another pariſh, but within the ſame County or diviſion, if the proper pariſh be not able to provide for the children of the ſame pariſh?

Reſol. The Iuſtices may provide Maſters for them in other pariſhes within the ſame hundred; if the ſame hundred be not able, then out of that hundred in the reſt of that County; As for other proviſion for the poore, which muſt bee at a quarter Seſſions.

6. Q. If ſuch a Pariſhioner may be enforced to take ſuch an apprentice, and ſhall refuſe not onely to take ſuch an apprentice, but alſo refuſe to be bound to appeare at the next quarter Seſſions, or Aſſizes, what ſhall be done to him?

Reſol. If any refuſe; let ſuch a one be bound over to the next Seſſions or Aſſizes; if hee refuſe to give ſuch bond, let him bee ſent to

the *Gaole*, there to remaine untill hee will give such bond.

7. Q. If such a Parishioner who refuseth to take such an apprentice shall bee bound over to the Sessions for not taking such an apprentice, and when he appeareth there, shall likewise refuse, what shall be done to him, and what shall bee done to the Parents who refuse to suffer their Children to be put out to bee apprentices, themselves not being able to maintaine them?

Resol. If at the Sessions or Assizes such a one refuseth to take an apprentice, and his excuse be not allowed, it is fit he bee bound to the good behaviour, and it will be a good course to indict such a refuser for a contempt, and thereupon to fine and imprison him, if he refuse to be bound to the good behaviour, let him bee imprisoned untill hee will; and the Kings booke of orders directs that such be bound with good surties to appeare at the Councell board; and if the Parents of such poore children refuse to suffer their children to be bound apprentices, or being bound, entice them away, themselves not being able to maintaine them, let them be committed to the house of correction.

8. Q. Whether it bee in the power of any generall quarter Sessions to mittigate any penalty upon a Statute law; if the party indicted shall submit himselfe to the fine of the Court, and wave the traverse?

Resol.

Reſol. If the party bee convicted or confeſſe the fault, it is not in the power of the Court to mittigate the fine, in ſuch caſes where the Statute makes it certaine: but if the party indicted proteſting his Innocency, yet *quia noluit plitare cum domino Rege* puts himſelfe up into the grace of the Court, the Court may impoſe a moderate fine, and order to forbeare the proſecution.

9. Qu. If any be bound to appeare at the Seſſions, and ſhall tender ſubmiſſion to the Court, whether the Seſſions may ſtae the indictment, and mitigate the fine, aforeſayd upon the confeſſion of the fact?

Reſol. This is anſwered before to the next precedent Article.

10. Q. If a man be convicted for being drunk, tipling, and keeping an unlicenſed Alehouſe, or being licenſed, for ſuffering others to remaine tipling in his houſe, or for ſwearing or driving Cattell upon a Sunday contrary to the Statute in that caſe provided; whether the Iuſtice of Peace, before whom hee was convicted, or any other Iuſtice of the Peace may diſcharge him of all or part of the Forfeiture or puniſhment appointed by the Statute?

Reſol. The Iuſtices have no ſuch power of mitigation after conviction, where the Statute appoynts the meaſure of the puniſhment.

11. Q.

11. Qu. Whether a Conſtable may upon a Warrant for carrying one to the houſe of correction for keeping an unlicenced Alehouſe upon the ſecond conviction breake open the houſe wherein the party convicted is, to apprehend him?

Reſol. This queſtion is to bee adviſed upon, it is put in generall termes and referred to bee conſidered in the particular where it appeareth.

12. Qu. If a woman unmarried be hired from weeke to weeke, or from halfe yeare to halfe yeare, in one Pariſh, and there be gotten with child, and then goeth from thence unto another pariſh, where ſhe is ſetled in ſervice by the ſpace of two or three months, and then diſcovered that ſhe is with childe: The queſtion is, whether ſhe ſhall bee ſetled in the Pariſh where ſhe was begotten with child, or in the Pariſh where ſhee was laſt ſetled?

Reſol. The place where, ſuch a woman was lawfully ſetled, is the direction in this caſe, not where ſhe was begotten with child.

13. Qu. If a woman ſervant unmarried bee begotten with child, and then goeth out of her Miſtris ſervice, before or after it is diſcovered that ſhe is with child, and the reputed father bee runne away, or is not able to free the Pariſh: whether the Maſter may bee enforced to provide for her till ſhee bee delivered, and for a moneth after?

Reſol.

Resol. If the Master hath legally discharged his house of such a servant, hee is no more bound to provide for her than any other.

14. Qu. In case a Parish consist part of ancient *Demeasne*, and part of *Guildable*, an Assize is made for the relieſe of the maimed Souldiers, the Gaole, &c, according to the Statute of 24. *Elizabeth, cap.* 2. whether the tennants in ancient demesne shall contribute with the Guildable for the payment of the Assize?

Resol. The Statute doth not distinguish betweene the ancient Demeasne and the Guildable in these cases, *ubi lex non distinguitur, ibi nec nos distinguimus.*

15. Q. Whether an Indictment of forceable detainer bee within the Statute of 1. *Iacobi, cap.* 5. and not to bee removed by *Certiorari*, unlesse the party Indicted first finde sureties according to that Statute, and whether the party Indicted bee to be bound in his absence to prosecute according to that Statute, and whether an Indictment of forcible entry, &c. found at a private Sessions bee to bee removed by *Certiorari* without sureties, according to that Statute?

Resol. This is fittest to be left unto the Court of Kings-bench, to whose Commission, and jurisdiction this is most proper.

16. Q. If one bee convicted upon the Statute of 3. *Car. R. cap.* 13. for driving of Cattell

on the Sunday through ſeverall pariſhes; whether hee ſhall forfeit 20 s. to every of the ſayd pariſhes; or onely to one; if to one, then to which of them?

Reſol. This Statute giveth the Forfeiture but of one 20.s. for one Sabbath day. Although the driving of that day bee through divers pariſhes. Therefore where the action is firſt attached, and the diſtreſſe firſt taken, that pariſh ſhall have the benefit of the Forfeiture, and not the other.

17. Qu. If one who is under the age of 30. yeeres, and brought up in husbandry, or a mayd-ſervant, or brought up in any of the Arts or trades mentioned in the Statute of 5. *Elizab.* c.4. and not enabled according to that Statute, to live at his or her owne hand, ſhall be warned by two Iuſtices of the Peace to put him or her ſelfe in ſervice by a day preſcribed by them, and ſhall not doe the ſame accordingly, but ſhall after continue living at his or her owne hand, what courſe ſhall bee taken with ſuch a perſon, and how puniſhed?

Reſol. Such perſons being out of ſervice, and not having viſible meanes of their owne, to maintaine themſelves without their labour, and refuſing to ſerve as an hyred ſervant, by the yeere, may be bound over to the next Seſſions or Aſſizes, and to bee of the good behaviour in the meane time, or may be ſent to the houſe of correction.

18. Qu.

18. Qu. Whether the taxe for the reliefe of the poore, upon the Statute of 43. *Elizabeth*, ſhall bee made by ability or occupation of lands, or both, and whether the viſible ability in the pariſh where hee lives, or generall ability whereſoever, and whether his rent received, within the pariſh where hee lives ſhall bee accompted viſible ability, and whether hee ſhall bee taxed of them onely and for any Rents received from other Pariſhioners; and what ſhall bee ſayd viſible ability?

Reſol. The Land within each pariſh is to be taxed to the charges in the firſt place equally and indifferently, but there may bee an addition for the perſonall viſible ability of the pariſhioner within that pariſh according to good diſcretion, wherein if there bee any miſtaking, the Seſſions, &c, or the Iuſtice muſt judge betweene them.

19. Qu. Whether ſhops, ſalt-pits, ſheds, profits of a Market, &c, be taxable to the poore as well as lands, Cole mynes, &c. expreſſed in the Statute 43. *Elizabeth*?

Reſol. All things which are reall, and a yeerely revenue, muſt be taxed to the poore.

20. Qu. Whether the taxe for the County ſtocke, Gaole, and houſe of Correction is to bee made by the Statute of 14. *Elizabeth*, *cap.* 43. *Elizabeth*: by ability, and upon the Inhabitants of the pariſh onely, or upon them

them, or the occupiers of Lands, dwelling in that pariſh: or whether ſuch as occupie lands in that pariſh, and dwell in another pariſh ſhall bee taxed?

Reſol. If the Statute in particular caſes give no ſpeciall direction, it is good diſcretion to go according to the rate of taxation for the poore: but when the Statutes themſelves give directions, follow that.

21. Q. Whether any taxes ought to be made for the charges that petty Conſtables and Borſhoulders are at in conveying rogues from pariſh to pariſh, and relieving of them, and how to be rated?

Reſol. It is fit to relieve the Conſtable and Tything men, in ſuch ſort as it hath beene uſed in the ſeverall places where they live.

22. Qu. Whether a Iuſtice of Peace may diſcharge a ſervant being with childe from her ſervice, allowing that as a reaſonable cauſe that ſhe is thereby made unable to doe the ſervice which otherwiſe ſhe might have done, and if hee may diſcharge her, whether that Pariſh ſhall provide for her, till her delivery, if ſhee cannot provide for her ſelfe; and ſo alſo if her time be expired before her delivery, who ſhall provide for her after her time ended?

Reſol. If a woman being with childe procure her ſelfe to bee retayned with a Maſter who knoweth nothing thereof, is a good cauſe to diſcharge her from his ſervice. And if ſhee bee

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begotten with childe during her ſervice, it is al one, but the Maſter in neither caſe muſt turne away ſuch a ſervant of his owne authority. But if her terme be ended, or ſhee lawfully diſcharged; the Maſter is not bound to provide for her, but it is a misfortune falne upon the pariſh, which they muſt beare, as in other caſes of caſuall impotency.

23. Qu. Whether being delivered of a baſtard childe in one pariſh, and goeth into another with her child; and becomes vagrant, and ſo is ſent to the place of her birth: her baſtard childe being under the age of ſeven yeeres, ſhall be ſetled with the mother, and there maintained if the mother bee not able, nor the reputed Father knowne, found: or whether it ſhall be ſent to the place of its birth, or being ſetled with the mother, whether the Pariſh where it was borne, ſhall be ordered by the two next Iuſtices to pay a weekely ſumme towards the mainetenance of it?

Reſol. The Baſtard child muſt be placed with the mother, ſo long as it is within the quality or condition of a Nurſe childe, which ſhall be, till ſeven yeeres of age; and then it is fit to be ſent to the place of its birth to be provided for, the mother or reputed father, not being able. And the Pariſh where the childe is borne ſhall not be forced to contribute to the charge, as long as the Mother lives, and the child be under ſeven yeere old.

24. Qu. A man with his wife and children takes an house in one parish, for a yeere: and before the end of his terme is unlawfully put out of possession, and after taketh part of an house, as an Inmate in another parish, from whence hee is also put out, and then not being able to get any dwelling, they come to lye in a Barne in a third parish where the husband falleth sicke, and the Wife is delivered of another childe, where ought these to be setled?

Resol. If a man or woman having house or habitation in one parish bee thrust out, this is an illegall unsetling which the Law forbiddeth, for none must bee enforced to turne vagrant, and such one must bee returned to the place where hee or shee was last lawfully setled, and the Childe also borne in the time of this distraction.

25. Qu. Whether an apprentice put out by the Churchwardens, &c. according to the Statute to a Master in another parish, if his Master dye and leave no Executor or Administrator fit to keepe an apprentice or able to place him: Hee shall bee provided for in the parish where hee was apprentice or shall bee sent backe to the parish from whence hee was put out?

Resol. Servants and apprentizes are by law setled in that parish, and if they become impotent there, the parish must abide the adventure,

ture after their terme or time of ſervice be lawfully ended.

26. Qu. What is accompted a lawfull ſetling in a pariſh, and what not?

Reſol. This is too generall a queſtion to receive a perfect anſwer to every particular caſe which may happen: but generally this is to be obſerved, that the law unſetleth none who are lawfully ſetled; nor, permits it to bee done by practice, or compulſion, and every one who is ſetled is a native houſholder, ſojourner, an apprentice or ſervant for a month at the leaſt, without a juſt complaint made to remove him or her, ſhall be held to be ſetled.

27. Qu. A rogue is taken at C. and will not confeſſe the place of his birth: neyther doth it appeare otherwiſe but that he confeſſeth the laſt place of his habitation to be at S. hereupon he is whipped and ſent to S. at his comming to S. the place of his birth is there knowne by ſome to be at W. and thereupon the rogue confeſſeth it to be ſo: whether hee might without any new vagrancy be ſent to W?

Reſol. In this caſe it is fit to ſend ſuch a rogue to the place of his birth: for this is but a miſtaking and no legall ſetling.

28. Qu. If an Indictment be preferred to the grand Iury of the quarter Seſſions of the peace againſt one for murther, manſlaughter, for robery, felony, or Petilarceny, and ignoramus found thereupon, whether the ſaid Seſſions may deliver the party by Proclamation or not? *Reſol.*

Resol. Not by Proclamation at all, but for petty Lacenyes, and other petty Fellonies; in discretion the Goale may bee delivered of them.

29. Qu. If a Constable be chosen and refuseth to take his Oath, what shall bee done, and whether a Constable may make a deputy, and by what meanes?

Resol. The refusall or neglect to take oath in such a case is a contempt worthy of punishment, and thereupon to fine, and imprison him, and the making of a deputy is rather by toleration, then by law.

30. Qu. If a Constable dye or remoove out of the Parish where, &c. how is his place to be supplyed?

Resol. By the Lord of the Leete, if that time fall neere, otherwise by the Sessions; but if that bee too farre off, then by the next Iustices.

31. Qu. If a poore weake man be chosen Constable or Tythingman, and be unfit for the place how may he be remooved, and a fit man sworne in his roome?

Resol. The Iustices of Peace must helpe this, and if the Lord of the Leete have power to choose a Constable or Tything-man and performe so ill, it is a just cause to seize his liberty.

32. Qu. If a Nurse-childe, a Scholler at a Grammar-schoole, or in the Vniversity proove to

to be impotent by Sickneſſe, lameneſſe, lunacy, or diſcovery of Ideocy, &c. how ſuch perſons ſhall be diſpoſed?

Reſol. A Nurſe-child, or a Scholler at the Grammar-ſchoole, or at the Vniverſity, or perſons ſent to the Common gaole, Hoſpitall, or houſes of Correction, are not to be eſteemed as perſons to be ſetled there, more then Travailers in their Innes, but their ſetling is where their Parents are ſetled; and Children borne in common Gaoles, and Houſes of correction, their parents being priſoners, are to be maintained at the charge of the County.

33. Qu. What proportion Parſonages, or Tithes ſhall beare to the taxation of the poore of the Pariſh?

Reſol. The Parſon or Vicar preſentative, ſhall according to the reaſonable value of his Parſonage, having conſideration to the juſt deductions.

34. Qu. Whether for placing the poore of the pariſh, not to be removed by conſent of the pariſh, theſe poore men may not bee placed as Inmates for a time?

Reſol. They may by expreſſe words of the Statute of the 43. of *Elizabeth*.

35. Qu. If a pariſhioner or owner within a pariſh do bring into the pariſh without the conſent of the pariſh, a ſtranger of another pariſh, which is, or apparantly is like to bee burthenſome unto the pariſh, how they may eaſe themſelves?

Resol. By taxing such a one to the charge of the rates of the poore, not onely having respect to his ability or the land he occupies, but according to the dammage and danger he bringeth to the parish by his folly.

36. Qu. For warding in the day-time, for apprehending of Rogues, whether the Constable may not enlarge it to a farther time?

Resol. Warding in the day time is of great use, and must bee left to the discretion of the Constables or direction of the Iustices to vary according to the occasion.

37. Qu. Whether Alehouses ought to be allowed only in thorow-fare Townes, and others in other places to be restrained onely to sell to the poore out of doores.

Resol. The Iustices shall doe very well to allow none but in places very fit for their scituation and uses, and to moderate the number.

38. Qu. A man for his quality otherwise fit to be a Constable, or of other Office of that nature, procures himselfe to be the Kings servant extraordinary, and by that meanes would excuse himselfe to serve in the Country?

Resol. A servant extraordinary may well performe his ordinary service in the Country according to his quality.

The Iuſtices opinion touching the Commiſsions by which the Iuſtices ſit at Newgate.

THE Iuſtices at Newgate ſit by vertue of two Commiſſions (*viz.*) Gaole delivery, and Oyer and determiner.

By the Commiſsion of Gaole delivery they may try all priſoners in the Gaole or by Bayle, or ſuch as be indicted will render themſelves, generally for all Felonies: and alſo for ſuch other offences as are particularly aſſigned to them by Statute.

The Statute of 4 *Elizabeth*, 3 *cap.* 2. doth give them power to receive Indictments againſt Priſoners or ſuch as are upon bayle, and to proceede to try the ſame (*viz.*) Indictments taken before the Iuſtices of the peace, and by equity thereof all Indictments before coroners, 8. *Mar. Bro. Commiſsion. omnium.* 24. ſaith, That the Commiſsion is *ad deliberand. Gaol. de priſon. in eiſdem exiſten.* But they cannot take Indictments as Iuſtices of Gaole delivery, but being Iuſtices of the peace, they may take Indictments againſt priſoners, but not againſt them that bee at large, for aſmuch as power is

Anciently felonies included all treſpaſſes, therefore the Iuſtices of Gaole delivery have power to hold plea of treſpaſſes againſt them in priſon or upon bayle to render themſelves.

v. 1. *Mar. Dyer* 99. Iuſtices of Gaole delivery hold pleas of all appeales of felony or murder againſt one in priſon by their general Com. and of appeales: ſo by the ſame reaſon to take Indictments,

is given them, consequently they must have meanes to doe so, which is by Indictments, *Id quærend.*

Howsoever it is cleere, that they may enquire of many offences and take Indictments in such cases where power by the Statute is given to the Iustices of Gaole delivery, in such cases where they have authority by Law or Statute there the title of Indictments is, that *Ad gaolam deliberationem tent.* before the Commissioners of Gaole delivery, *I.S.* was indicted, and the record must be made up so.

And whereas by the Statute of 4. *Eliza.* 3 *cap.* 2. Indictments taken before Iustices of peace or Coroners, or any other against any Prisoners, then the entry of the Indictments is returned taken, *Memorand. quod ad generalem Sessionem tent.* before *A.B.C.* Iustices *ad pacem in Com. Middlesex* or *London*, *I.S.* was indicted, and then tryed before Iustices of Gaole delivery, and by vertue of the said Statute, Indictments taken before Iustices of the Peace of *London* or *Middlesex*, are tryed before the Iustices of Gaole delivery.

The Commissioners of Oyer and Terminer is *Ad triand. inquirend. audiend. & determinand.* They may enquire of all offences mentioned in the Commission, albeit the offendors bee at large, but they cannot try prisoners upon Indictments taken before any other then themselves, as the Iustices of Gaole delivery may by

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the aforesayd Statute, unlesse there bee a speciall Commission made, as it was in the case of the Earle of *Leicester*, mentioned in *Plow. Com.* for the ordinary Commission of Oyer, and terminer is *ad inquirend. audiend. & determinand.* therefore they cannot determine of things unlesse they made enquiry first, and on the other side also the Iustices of Gaole delivery may try Indictments taken before Iustices of the peace, yet if one indicted before Commissioners of Oyer and Terminer, the Iustices of Gaole delivery cannot try the same, because the Record of the Commission of Oyer and Terminer are to be returned in the Kings Bench, 44. E. 3. 31. 3. Mar. Bro. Com. 24.

The Commission and the Records of the proceedings before the Iustices of Gaole delivery, are to be returned to the Custos Rotulor. of the County, when the same persons are Iustices of Gaole delivery, and of Oyer and Terminer, they may sit the same day and place, and enquire by the same Iurie, but the entry of the Records must be severall, according as the Indictment is.

At the Assises in the Countrey, the Iustices have their severall power, as the Iustices of Gaole delivery, Oyer and Terminer, and Iustices of peace.

But when the Records are made up, they must be according to the power they made election to proceed upon.

This is the regular and legall course. But the Clerkes of the Assizes promiscuously make entry thereof, But if a Writ of Errour bee brought, they must certifie according to Law, or else it will be erronious, and so upon a *Certiorari*.

The Sessions of *London* may bee begun at the Guild-hall, and then adjourned to Newgate, If some Indictments bee at Guild-hall, then those must bee so certified: if others at Newgate; then the adjournment must bee mentioned, and that the Indictment was then taken.

Note that the tryall of Indictments taken before Iustices of the peace of *London*, cannot be tryed at Newgate, as in nature of a tryall before Iustices of the peace at *London*, for many of the Commissioners, for Gaole delivery, are not Iustices of the peace for London, but in such cases the tryall must be before the Iustices of Gaole delivery: as upon Indictments taken before the Iustices of the peace of London; as in the case of Indictments taken before the Iustices of the peace of Middlesex.

But if Indictments at Newgate be originally taken before them, as Iustices of Gaole delivery, then it is inquirable how the Iury sworne, and impannelled to enquire at the Sessions of the Peace for London, or Middlesex, doe serve to present Indictments before

the Iuſtices of Gaole delivery at Newgatē, unleſſe the cuſtome and uſage will warrant, the two ſeverall Iuries, ſworne at the Seſſions of the peace for *London* or *Middleſex*, are alſo by the ſame oath and impannelling to ſerve for the grand Iury for the Commiſſion of Gaole delivery, and Oyer, and Terminer.

Vpon conferēce with Mr. *Keeling*, and the Clerkes for Newgate of *London*, and *Middleſex*, and the Clerkes of Aſſizes, and view of the ſeverall Entries, a more mature and certaine reſolution may bēe given, this being in haſtē, and without ſuch conſiderations as were requiſite.

FINIS.

IRREGULAR MARKING OF THE TRACTS

THE USE OF DAILY PVBLICK PRAYERS, in three Positions.

LONDON,
Printed for *Iohn Maynard*. 1641.

The uſe of daily publike Prayers, in three Poſitions.

I. *That daily publick Prayers have been in uſe among* Chriſtians *from the beginning (ſo farre as perſecutions gave leave) and were accounted a principall part of Gods worſhip.*

II. *That thoſe Prayers were at ſet houres, in a preſcript form; not arbitrarie in either.*

III. *That the peace and proſperity of the publike Weal, in the long life, and happy preſervation of pious Princes, and other particulars; and the good ſucceſſe of Armies in times of warre; have been thought by ancient*

Christians, *of purest times, the fruit and effect, in part, of these publike Prayers, and daily Service of the Church.*

I.

IT is most certain, and acknowledged by all, That in the *Primitive times*, the *holy Communion* was publikely administred *every day*. The word *Liturgia*, is, for the most part, by ancient Writers, appropriated to the Communion, because that was the most solemn service: though sometimes, it is also taken more generally. The form of administration (which Saint *Augustine* saith in divers places, was the same in all, or, almost, all Christian Churches in his time) was instituted and prescribed by Saint *Paul* himselfe, as is directly affirmed by Saint *Augustine*, in his Epistle to *Januarius*: *Apostolus de hoc sacramento loquens statim subtexuit: Cætera cum venero ordinabo: unde intelligi datur, (quia multum erat ut in Epistola totum illum Agendi ordinem insinuaret, quem universa per Orbem servat Ecclesia,) ab ipso ordinatum esse, quod nulla morum varietur diversitate.*

August. Epist. 118. c. 6. ad Januar.

Besides the Prayers at the Communion, there were publike Morning and Evening Prayers

Prayers; and thoſe daily alſo. Mention of thoſe Prayers is made in the Councill of *Laodicea*, in the eighteenth Canon, Περὶ τοῦ τὴν αὐτὴν λειτουργίαν τῶν εὐχῶν πάντοτε καὶ ἐν ταῖς ἑσπέραις καὶ ἐν ταῖς ἑσπέρας ὀφείλειν γίνεσθαι: that is, *That the forme* or *Liturgie of Prayers, both at the* Nones, *and at the* Veſpers, *ought always to be the ſame.*

Saint *Chryſoſtome*, upon the *Pſalmes*, occaſionally ſpeaking of divers Pſalms and Hymnes, which made part of the publike Prayers, derives the firſt inſtitution from the *Fathers*; by which words it is likely hee underſtood men *Apoſtolicall*, or at leaſt of next antiquity to *Apoſtolicall*. By him alſo it appeares that Chriſtian people in his days were wont ſo ſtudiouſly to frequent the publike Prayers of the Church, that they knew by heart divers of the Pſalmes that were ordinarily uſed. *In Pſal.* 140. & *alibi.*

What Saint *Paul* writes, *I exhort that firſt of all ſupplications, prayers, interceſſions, &c.* is by St. *Auguſtine* underſtood of the daily ſolemne Prayers and Supplicatious at the celebration of the Sacrament; but by Saint *Chryſoſtome*, upon the place, is alſo expounded of the ſolemne Morning and Evening Prayers of the Church. His words are theſe, *Every Prieſt is as it were a common Father of the whole earth, and therefore ought to take care of all men, as God doth, to whom hee is conſecrated: Therefore ſaith the Apoſtle, I exhort, &c. But what meaneth hee, Firſt* 1 Tim 2. 1.

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of all? that is, in the daily ſervice; and this, all the faithfull know, how it is daily performed both in the Evening, and in the Morning: How wee make interceſſion for the whole World, for Kings, and all Magiſtrates, or Governours, &c.

Origen (whoſe antiquity, I hope, is ſufficiently known by al men) doth often exhort the people to come to Church, not onely upon Sundays and other Holidays, but upon ordinary days alſo, to heare the Word of God read, and to be preſent at the Prayers of the Church: yea, and ſharply reproves them that did it not, as careleſſe of their ſpirituall welfare and ſalvation. See him, for example, in his tenth Homily upon *Geneſis*, throughout the whole Homily, as where he ſaith: *Sine intermiſſione orandum Apoſtolus præcipit. Vos qui ad orationes non conveniti, quomodo impletis ſine intermiſſione, quod ſemper omittitis? Sed & Dominus præcipit, vigilate & orate ne intretis in tentationem. Quod ſi illi vigilantes & orantes, & ſemper verbo Dei adhærentes, tentationem tamen nequaquam effugerunt; quid faciunt hi qui diebus tantum ſolennibus ad Eccleſiam conveniunt?* &c.

II.

OF ſet houres, becauſe I doe not finde it much oppoſed, I will not ſpend many words in vain. If there be that make any queſtion,

ſtion, I ſhall refer him to *Clemens Romanus*, a man of very authentike authority, becauſe Apoſtolicall, and mentioned in the New Teſtament: who preſſeth it very cloſe in that unqueſtioned, and ſo much commended Epiſtle of his to the *Corinthians*, lately ſet out and made common by Learned Maſter *Patrick Young*, out of the rich Treaſures of his Majeſties Royall Library. It ſeemes by him that no ſmall part of that εὐταξία, or, *good order*, required by Saint *Paul*, (whoſe mind he might beſt know, as one of his Diſciples) 1 *Cor.* 14.40 doth conſiſt in the due obſerving of thoſe times and houres, limited and preſcribed by authority for our Prayers and Devotions. But I deſire his own words may be looked upon, *pag.* 52.53 As for ſet forms of Prayers, I ſhould not have thought that I ſhould have needed to have ſaid much of that neither, but that I have lately ſeen a Book, which came to my hands under the recommendation of a Maſter-piece, wherein I finde this ſtrange aſſertion, *That liberty in prayer* (it is ſpoken of publike Church-prayers) *was not taken away, and ſet and impoſed formes introduced, untill the time that the* Arrian *and* Pelagian *Hereſies did invade the Church, &c.* The Authour cals himſelf *Smectymnuus*, both name and man, being altogether unknown unto mee. Which if they were not, yet ſhould I be worſe than a Heathen, if I ſhould prefer any wordly love or friendſhip, before the truth of God. In ſome ſmall things, miſtakes may happen without any great

Anſwer to the Humble Remonſt. p. 7.

great harme; and may be paſſed over with as little danger. Let us therefore conſider whither that be not moſt true which hee peremptorily denies; and then examine the validity of his objections.

For the firſt, wee will begin with a great man, both for his piety, and his learning, Saint *Baſil* the *Great*; who indeed was ſome yeers later then *Arius*, but many yeers before *Pelagius*: However, that which he ſpeaks of his times, he ſo ſpeaks it, as that his teſtimony may ſtand for times long before. A friend of his that was gone to travell, had written to him, that he would be mindfull of him in his Prayers: to whom his anſwer is this: Ἐπιλαθέσθαι σου ἐν ταῖς προσευχαῖς ἀδύνατον, εἰ μὴ πρότερον τοῦ ἔργου ἡμῶν ἐπιλαθώμεθα, εἰς ὃ τάξεν ἡμᾶς ὁ Κύριος. Μέμνησαι γὰρ πάντως τῶν κηρυγμάτων τῶν ἐκκλησιαστικῶν, πιστὸς ὢν τῇ τοῦ Θεοῦ χάριτι, ὅπ καὶ ὑπὲρ τῶν ἐν ἀποδημίαις ἀδελφῶν δεόμεθα, καὶ ὑπὲρ τῶ ἐν ταῖς στρατείαις ἐξεταζομένων, καὶ ὑπὲρ παῤῥησιαζομένων διὰ ὄνομα κυρίου, καὶ ὑπὲρ τῶν τοὺς πνευματικοὺς καρποὺς ἐπιδεικνυμένων, ἐν τῇ ἁγίᾳ ἐκκλησίᾳ τὰς εὐχὰς ποιούμεθα: that is, *To forget thee in my prayers is impoſſible, except I ſhall firſt forget our work, to which the Lord hath ordained us. For thou canſt not but remember, being by the grace of God one of the faithfull, the ſolemne* Biddings, (*or* Præconizatiõs) *of the Church, how that in the holy Church wee make prayers for all our brethren that travell, for all that are enrolled Souldiers, for all that take liberty for the Name of the Lord,* (or, *for all that confeſſe freely the Name of the Lord*) *for all that bring forth ſpirituall fruits,* &c.

Epiſt. 141. p. 1014.

I think

I think no man will think it probable, that if theſe ſolemne ſet Prayers of the Church had been of late inſtitution, and therefore eaſily alterable, hee would have ſpoken of them ſo peremptorily, *That it was impoſsible, &c.* But here I muſt needs give a reaſon why I tranſlate the word κήρυγμα, a *Bidding*, or *Præconization*, and not with the Latine Interpreter, *concionem*: and this the rather, becauſe I ſee *Bellarmine*, as great a Clerke as hee was, groſly to miſtake in the like, and upon the miſtake of the word, to ground a falſe opinion, that *Deacons* in ancient times were wont to preach. In ancient times it was the *Deacons* office, in the time of publike Prayers and Liturgie, by lowd ſpeech and proclamation of the matter, to let the people know what was done, or to be done. Which was to this end, that both they whom it particularly concerned might take the better notice; and alſo to quicken and ſtirre up their intention and attention generally, that they might all remember themſelves where they were, and what they were about, and carefully *hoc agere*. Sometimes their cry was, *Hearken to the Word of God: to the Goſpel: the Epiſtle*: and then they were ſaid, κηρύτ̃ειν τὴν ἀνάγνωσιν: or, τὸ Εὐαγγέλιον: *Prædicare lectionem*, or, *Euangeliũ*, &c. Somtimes they ſaid, *O yee Cathecumeni, yee are to pray: O yee believers, let us pray for the Cathecumeni*: &c. and then they were ſaid, κηρύτ̃ειν τὴν εὐχήν: *prædicare orationem*, that is, *to bid the prayer*. It belonged alſo to the *Deacons* to direct the people when they ſhould kneele or ſtand: as alſo when

De Cler. lib. 2. c. 13.

and who ſhould draw neere; when and who ſhould retire or depart: for which part of their office Saint *Chryſoſtome* in *Heb.c.9.hom.17.* (as ſome read the place, out of what Edition I know not, for my Edition of Saint *Chryſoſtome* hath it there, not, ὁι διάκονοι, but ὁι ἱερεῖς) ſhews how they may properly be ſtyled κήρυκες. But this is not to our purpoſe here.

I would gladly know, whether, when Saint *Cyprian* ſaid, *Pro arcendis hoſtibus, & imbribus impetrandis, & vel auferendis vel temperandis adverſis rogamus ſemper & preces fundimus: & pro pace ac ſalute veſtra*, &c. or, when *Tertullian*, *Oramus pro Imperatoribus, pro miniſtris eorum ac Poteſtatibus, pro ſtatu ſæculi, pro rerum quiete, pro morâ finis*; either of them, by any reaſonable man, can be underſtood otherwiſe, then of ſolemne *ſet Prayers?* Both theſe were many yeeres, the lateſt of them a full hundred or thereabouts, before *Arius* was talked of.

Cyprian Epiſt. ad Demetr.

Apologet.c.39.

Origen, of as great antiquity, very nigh, as the moſt ancient of thoſe two, in his ſixt book againſt *Celſus*, gives this deſcription of a true Chriſtian: ὁι διὰ τοῦ Ἰησοῦ τῷ ὁπὶ πᾶσι θεραπεύοντες Θεὸν καὶ βιοῦντες κατὰ τὸ εὐαγγέλιον αὐτοῦ, τὰς προσαχθείσας τῇ εὐχαῖς συνεχέστερον καὶ ἀδίστως, νυκτὸς καὶ ἡμέρας χρώμενοι: that is, *They that ſerve the God of all through Chriſt, and live according to his Goſpel, who alſo frequently and duly, both night and day, uſe thoſe Prayers that are preſcribed.* Where if any object, that the words *night* and *day* (which alſo are in Saint

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Cyprians paſſage) muſt needs inferre *private prayers*: I anſwer, that there would be no abſurdity perchance in it, if by *night* and *day*, *Morning* and *Evening* were underſtood. But if this pleaſe not, I can make it good, that the ancient Chriſtians were wont to uſe the *publike ſet prayers* of the Church in their private houſes and families, and there might uſe them at what time of the day or night they thought good: whereof we ſhall by and by give an example in *Conſtantine*. And yet I profeſſe, I doe not alleage this paſſage as an infallible proofe, becauſe I know the word περιαχθείσας may be alſo otherwiſe interpreted.

The ſame *Origen*, in his fourth book againſt *Celſus*, quotes three or four ſeverall paſſages of the Scriptures out of their Εὐχαὶ, or *Prayers*; by *Prayers*, meaning that which now the *Græcians* call their *Euchologium*, or *Prayer-booke*. And I hope it will be granted, that if the Prayers gave the denomination to the whole Book or *Rituall*, it is more then probable, that it contained many forms of *ſet compoſed Prayers*.

But if all this will not ſerve to perſwade men, that are not wont eaſily to believe any thing, that croſſeth their fancies, though of it ſelfe never ſo probable, or plauſible: why yet I hope, if wee can produce ſome *Formulæ* of thoſe very Prayers then uſed, that they will at laſt yield to the truth. This becauſe it is done to my hand by men, whom I thinke they will not ſuſpect to be partiall in this point, I will

ſpare

ſpare my ſelfe further labour, and onely here ſet down what I find in the *Centuriſts* of *Magdeburgh*: *Denique & hunc ritum in Orationibus publicis*, &c. That is, *Moreover, that this rite alſo was then uſed in their publike Prayers*, Cyprian *in his Sermo de Oratione Dominicâ, doth witneſſe, to wit, That when they were to begin Prayers, the Prieſt was wont to ſtir up, and prepare the minds of his Brethren, to a more fervent calling upon God, by ſaying,* Lift up your hearts: *to which all the Congregation together did anſwer,* We lift thē up unto the Lord. *Moreover, it is out of all queſtion* (their very words, *Formulas denique quaſdam precationum ſine dubio habuerunt*:) *That they had* (in thoſe dayes) *certain Formulæ* (that is, *ſet and preſcribed formes*) *of Prayers. For* Origen *in his eleventh Homily upon* Jeremy, *ſeems to allude to thoſe Prayers, now commonly called* Collects, *in theſe words: Vbi frequenter in Oratione dicimus, Da Omnipotens, da nobis partem cum Prophetis, da cum Apoſtolis Chriſti tui; tribue ut inveniamur ad veſtigia unigeniti tui*, &c. So they.

Cent.3.c.6. p.135.

Beſides theſe *Centuriſts*, I finde it to be the judgment of famous *Du Mornay*, who thinks it probable that ſome *Ritualiſts* of the middle age, as *Walafridus*, and others, who deſcribe the ſimplicity of the firſt age in matters of *Rites* and *Ceremonies*, might have ſeen ſome of thoſe firſt *Ritual-books*, or *Formularies*, as he cals thē.

De Miſſa c.3. Ed Gall. in fol. p.32.

As for *Jeniſh* Liturgies, I leave that to the learned Authour of the *Remonſtrance*, as beſt able to anſwer for himſelf, if hee ſee occaſion.

This was written before the late Defence came out.

Onely

Onely this I ſhall here ſay by the way, that if this gain-ſayer were, at leaſt in late Writers, as well read, as we find he is not in the ancient, he would not have made ſuch a wonder at the matter. Hee might have read, at leaſt in the ſame *Mornay*, (an Authour much canvaſed by men that meddle with Controverſies) of a *Jewiſh Liturgie* yet extant, containing ſeverall formes of Prayers, compoſed (according to the opinion of the learned *Jews*, not contradicted by the ſaid learned noble man) by *Eſdras*, and uſed by the *Iews* ever ſince their returne from the *Babyloniſh* captivity: yea and of other forms of prayers, long before that, uſed by the *Iews* ever ſince *Moſes*, and them alſo yet extant. And as for the *Prayers* that Saint *Peter* and Saint *Iohn* uſed, *when they went up together to the Temple at the houre of Prayer*, *Act.*3.1. he might have read of ſet forms of prayers appointed for that hour, and commonly uſed by the *Iews* of thoſe days, yea directly by the ſaid Saint *Peter*, and Saint *Iohn*, in a late Proteſtant Writer, of as conſiderable authority for his learning generally, but eſpecially in thoſe kinde of ſtudies, as any whom he can alleage for the contrary opinion. However I ſpeak not this to interpoſe mine owne opinion in that point, which I ſuſpend: but onely to ſhew that a little more reading would have done well in one that had undertaken ſuch a worke, as the refutation of that learned Author.

Lud. Capell. Spicileg. p. 68.69.

Now wee come to the examination of his ob-

objections againſt ours, and proofs for his own aſſertion. His words are: [*But that there were not ſuch ſtinted Liturgies, as this Remonſtrant diſputes for, appears by* Tertullian, *in his Apol. cap.* 30. *where hee ſaith the Chriſtians of thoſe times did in their publike Aſſemblies pray ſine Monitore, quia de pectore, without any Prompter, but their own hearts. And that ſo it ſhould be the ſame Authour proves in his Treatiſe, de Oratione: Sunt quæ petantur,* &c. *There are ſome things to bee asked according to the occaſions of every man: the lawfull and ordinary Prayer (that is the Lords Prayer) being layd as a foundation; it is lawfull to build upon that foundation other Prayers according to every ones occaſions. And to the ſame purpoſe, Saint* Auguſtine *in his* 121 *Ep. Liberum eſt,* &.] The paſſages out of *Tertullian de Oratione*, and out of Saint *Auguſtine*, in his 121 *Ep.* are nothing at all to the purpoſe, and make as much for publike ſet Prayers, as for private: for publike ſet Prayers alſo are grounded upon this, That it is lawfull to adde to the Lords Prayer. What any Father ads of any mans particular occaſions, may be underſtood of private Prayers, whether at home, or in the Church. For it is out of all queſtion, and we have ſtore of examples to that purpoſe, that the Chriſtians of thoſe times did frequently repaire to the Churches in private devotion, and for particular occaſions. But now to the paſſage of *Tertullian*, out of his *Apol. c.* 30 where hee makes *Tertullian* to ſay, that the Chriſtians of thoſe times did in their publike

Aſſem-

Aſſemblies pray *ſine monitore*, *quia de pectore*: I ſay, firſt, that it doth not appeare by *Tertullian*, that he ſpeaks it of publike Aſſemblies, and more probable it is that he doth not. Secondly, I would know of this Authour, what it is that he would have, or doth inferre upon this paſſage of *Tertullian*. What, that Chriſtians, when they aſſembled together, did betake themſelves every one to his own private devotions, and uſed ſuch prayers, every man by himſelfe, as his owne heart, and particular occaſions did ſuggeſt unto him? This if hee ſay, (beſides that it is very abſurd in it ſelfe, and never practiſed any where, that I know, amongſt Orthodox Chriſtians) will eaſily be refuted by expreſſe paſſages of ancient Fathers, as *Ignatius*, Saint *Cyprian*, and others, who teach the neceſſity of joynt and unanimous common Prayers at ſuch times. But it is apparent, that that which our Authour drives at by his whole Diſcourſe, is, not that the people, but the Miniſter is to be left to his owne liberty, to uſe in publike Aſſemblies what forme of prayer himſelfe thinks fit. And are not then *Tertullians* words (if underſtood as hee would have them, of publike Prayers) as much againſt this kind of praying with and after the Miniſter his conceived prayer, as he cals it: as againſt preſcribed Book-prayers? Nay, if there be any difference, they may more truly be ſaid to pray *cum monitore*, who follow the conceptions of a private man, then they that follow a *publike, preſcribed, uſual forme*, which having often heard, it is likely

likely that in time they learn and can ſay without book; ſo far at leaſt, as to follow it readily, and with a quicke and cleere apprehenſion of what is ſaid: whereas they that depend of *private conceptions*, which are not always the ſame, muſt needs have their underſtandings ſuſpended, till the end of the ſentence; and when at the end, have much adoe, ſometimes, to make ſence of it.

I have heard more then once ſome men, who thought themſelves as good at it as the beſt, make this objection againſt *ſet* or *ſtinted* Prayers, as they call them, becauſe by them the ſpirit is ſtreightned. Which though it be but a frivolous objection, and eaſily anſwered, yet, becauſe it is the nature of thoſe men, for the moſt part, not to be ſatisfied with any reaſon that proceeds from men, whom they affect not: I was glad to ſee it, in a book which lately came to my hands, fully anſwered by one, whoſe name (I intend it not as a reproach to his memory, whom I have heard men of ſingular worth to ſpeak of, with great reſpect:) is great amongſt them. It comes very neere to the point that wee are now upon, and therefore I ſhall not thinke much to ſet downe here the whole paſſage.

The Saints daily Exerciſe, by J. P. D. D. p. 81.

Object. That in ſtinted Prayer the ſpirit is ſtraitned, when a man is tied to a forme, then he ſhall have his ſpirit as it were bounded and limited, that he cannot goe beyond that which is preſcribed; and therefore, ſay they, it is reaſon a man ſhould be left to

more

more liberty, (as hee is in conceived prayers) and not tied to a ſtrict forme.

To this I anſwer, even thoſe men that are againſt this, and that uſe this reaſon, they doe the ſame thing daily in the congregation: for when another prays, that is a ſet forme to him that heares it; I ſay it is a forme to him: for put the caſe, that hee which is an hearer, and doth attend another praying, ſuppoſe that his ſpirit be more enlarged, it is a ſtraitning to him, he hath no liberty to go out, he is bound to keep his mind intent upon that which the other prayeth: And therefore if that were a ſufficient reaſon, that a man might not uſe a ſet form, becauſe the ſpirit is ſtraitned, a man ſhould not heare another pray (though it be a conceived prayer) becauſe in that caſe his ſpirit is limited; it may be the hearer hath a larger heart (a great deale) then he that ſpeaks and prays: ſo that there is a bounding and ſtraitning, and a limiting of the ſpirit to him. And therefore that reaſon cannot be good. Again I anſwer, &c.

I have no more to ſay concerning this paſſage of *Tertullian*, but that (as is well obſerved by thoſe that comment upon him) his chiefe aime in theſe words (and that which gave occaſion unto them) was, to deride the cuſtome of the Heathens of his time, who truly and really in their, whether private or publike, Temple devotions did uſe ſuch *Monitors* or *Prompters*, to ſuggeſt unto them the true titles and manifold appellations of that ſuppoſed Deity, what ever it was, which they intended to worſhip. Now their Gods being very many in number, and

every one having ſeverall titles and appellations; no wonder if their worſhippers, moſt of them (for ſome did not, and were accounted very religious for it) needed theſe *Monitores*, or *Nomenclatores*, at their elbows.

The next proofe or objection (which you wil jis out of *Juſtin Martyr*, in theſe words: *And before this in that famous place of* Iuſt. Mart. *Apo.2. Hee, who inſtructed the people prayed according to his ability, Nor was this liberty*, &c. & in the margin: *Iuſt. Mart. Apol.2.* ὁ προεστὼς, ὅση δύναμις, ἀναπέμπει.

No man can otherwiſe imagine, but that his intention in this allegation is, to infer out of theſe words, *according to his ability*, conceived prayer, in oppoſition to ſet or preſcribed prayer. I think I ſhall cleerly enough ſhew, that *Iuſt. Mart.* had no ſuch meaning at all, and conſequently that our Authour, to make the beſt of it, is much miſtaken. But I muſt needs ſay, though unwilling to make the worſt of it, I can not but ſuſpect ſomthing, when I conſider that, neither in his Text, nor in his Margin, hee doth ſet downe the words of the Father, fully, and faithfully as hee ought. The words are theſe, ὁ προεστὼς εὐχὰς ὁμοίως καὶ εὐχαριστίας, ὅση δύναμις, ἀναπέμπει: That is, *The Biſkop*, or *Preſident*, *doth in like manner as before preſent*, or *offer unto him prayers and thanks to the utmoſt of his power*; or *as far as his ability doth reach*. It is a cõplement of civility, even amongſt men, (ordinary in all languages, I think, but in the Greeke and Latine Languages I am ſure,) when wee thank a man, to qualifie our thanks with this reſtriction, *provirili*, or, *quas poſſum*. As

As when we ſay, *Ago gratias, non quas debeo, ſed quas poſſum*; or, *quantas poſſum maximas*: what more ordinary in Latine Writers, whether old, or late? How much more doth it become us, when we ſay, that we thank God; and which is more, when that wee doe εὐχαριστεῖν? the weight of which word is well obſerved by learned Græcians, and by the uſe that it hath ſometimes in ancient Authours, it doth little leſſe import then *retaliation*, or a return of good offices. We know who ſaid, *my goodneſſe (beneficentia mea) extendeth not unto thee*: and Saint *Auguſtine*, in a prayer of his ſomewhere, even of *thoughts* (*de quo ſemper cogitare debemus, & de quo dignè cogitare non poſſumus*) uſeth this civility of language; and ſhall we wonder, if any uſe it of *thanks*? This being ſo obvious, I ſhould wonder this Authour could not think of it here; but that I know, ſome there be in the world, who are never more bold, or leſſe heedfull of their ſpeeches, then when they ſpeake to God, by way of Prayer, or prayſes, though it be in the publike. And this their boldneſſe and impertinency, be it never ſo great, ſome there be ſo blind, as to deeme it zeal. Others excuſe, as harmleſſe Solæciſmes, or Tautologies, what a right and ſober judgement, guided by the light of Gods Word, will finde little better then blaſphemies. I ſay therefore, εὐχαριστεῖν ὅσον δύναμαι, is no more then, *gratias agere quantum humana poteſt infirmitas aut vilitas*: and this, I hope, is as proper and ordinary in *preſcribed ſet* Prayers; as in *conceived* and *arbitrary*. Yet I will not

deny

deny that I finde the words, ὅτι δύναμις, otherwise understood by some learned men, who render the passage thus; *Doth give God thanks with as lowd voice, as he is able*; and considering there be other Fathers that testifie the accustomed lowdnes of their solemne Prayers, I will not say that this interpretation is altogether impertinēt; but this, that our Author doth bring, and his inference upon it, I dare confidently say to be most groundlesse and impertinent.

His third and last objection is out of *Eusebius* concerning *Constant.* in these words: *And blessed* Constantine *was herein as unhappy as we, who needed not have composed forms of prayer for his Guard, to use upon the Lords day, but might and would have taken out of former Liturgies, if there haa been any*, &c. I answer, that I do not (nor perchance any other) understand what is the strength of this inference: A peculiar certain prayer was made by *Constantine* (a most devout and religious Prince) to be used by his guard; therefore there was no common *Liturgie-book* extant in *Constantines* days, for the use of the publike. I have read three Prayers made (they are printed under her name, I am sure, as *made* by her:) by Queen *Elizabeth*, of ever blessed and glorious memory, *for the successe of her Navy*, &c. Would the inference be good upon this, either that there was no *Book of common Prayers* then extant, and used; or that the Queene had no Bishops, or Chaplains, at that time, that might have saved her that labour? This I think, might suffice,

ſuffice; there having been enough ſaid before, concerning formes of publike prayers, extant and uſed long before the times of *Conſtantine*. And indeed, the *Truth* is all that I ayme at, and not any bodies ſhame. But why ſhould I ſpare him, that hath not ſpared his Mother; and who doth ſo lightly eſteeme of thoſe things, which I do, (and ever ſhall, I hope, as long as I breath, however the times goe) moſt honour and reverence? Let us therefore looke into *Euſebius* a little more exactly, that it may the better appear, how this man hath dealt with his Reader.

Firſt then, whereas hee tels us of Prayers compoſed by *Conſtantine* himſelfe, I ſay it is more then doth appeare by *Euſebius*. Where the Latine hath it, *cap.* 18. *Preces ab Imperatore deſcriptas*: it is in the originall Greek, εὐχὰς τὰς βασιλικὰς εἰλας, that is, *Such as the Emperour did moſt affect*; and therefore *deſcriptas* here, muſt be, not, *written*, or, *compoſed*; but, *ſelected*. Again, where the Latine hath it, *cap.* 19. *Formulam vero precandi ipſe militibus præſcripſit*, &c. it is in the Greek, τῆς εὐχῆς τοῖς στρατιωτικοῖς ἅπασι διδάσκαλος ἦν: that is, *he taught it to all his ſouldiers*. And I hope if a man be ſaid or reported to teach children or ignorant people the *Pater Noſter*, or *Creed*, he muſt not therefore of neceſſity be conceived to be the Authour of either.

Secondly, whereas hee ſaith, it was for his Guard, that *Conſtantine* compoſed theſe forms of Prayers, to uſe upon the Lords day; I ſay, it was not for his Guard, but for all his Souldiers in generall, and eſpecially for them that were not

not Christians, that *Constantine* either made himselfe, or caused to be made, that Prayer which *Eusebius* speaks of, and setteth downe in his twentieth Chapter: that being the only Prayer, that *Constantine* can, in any probability, (so farre as appears by *Eusebius*) be conceived, to have composed, if he composed any. For, as for the Guard that lived within his Palace, to them were appointed, saith *Eusebius*, those Prayers which he cals, τὰς βασιλεῖ φίλας. And as concerning the Souldiers, whereof *Eusebius* says some were Christians, and some were not; those that were Christians, hee commanded them (dispensing with them for their ordinary service, or attendance, upon that day) to repair to publike Churches, and there to celebrate the day: those that were not, even them hee compelled to meet together in the fields upon that day, and there to prayse God in that form of Prayer which is recited by *Eusebius*. The Prayer was this: *Te solum Deum agnoscimus: te Regem profitemur: te adjutorem invocamus: per te victorias consequuti sumus: per te hostes superavimus: abs te & præsentem fœlicitatem consequutos fatemur, & futuram* (*future*, that is, for the time to come, as is more plainly expressed by the Greek:) *adepturos speramus: tui omnes supplices sumus: abs te petimus, ut* Constantinum *Imperatorem nostrum, una cum piis ejus liberis, quam diutissimè nobis salvum & victorem conserves.*

Here you see is no mention of Christ at all, nothing but might very well be said by a Heathen of those times, as may appeare by divers

of

of their Prayers yet extant, the firſt words, *Te ſolum Deum agnoſcimus*, excepted, which nevertheleſſe might bear a very cõmodious interpretation, according to the tenets of divers of their own Philoſophers and Wiſe men. If any ſhall preſſe the words, *Omnibus militibus præſcripſit*, to ſhew that it was common to all, whether Chriſtian or Heathen Souldiers, I ſhall not ſtand upon that, it being likely enough, that the ſame Prayer upon other dayes was to be uſed by them all, when they were mixed together, and therefore of purpoſe ſo compoſed, that it might be uſed by any, whether Chriſtians, or Heathens of thoſe times. But in the mean time if it be granted, (as I doe not ſee how it can be denied) that it was principally intended for the uſe of the Heathen Souldiers; how can it be conceived, that ſuch a forme ſhould be found in a *Book of common Prayers* appointed for the uſe of Chriſtians; how much leſſe inferred from hence, (as this man would gladly) that the Chriſtians of thoſe days had no *Book of common Prayers*? But I have not done with him yet. I think it wil eaſily be granted unto me, by what hath been ſaid hitherto, that it is very probable, that this man in theſe his allegations out of *Euſebius*, tooke more notice of the Latine, then of the Greek. Now if you look upon the Latine, in the Chapter juſt before (to wit the 17) you ſhall finde that plainly contradicted, which this man would have inferred out of the eighteenth. The words (becauſe it is but a

ſhort Chapter) are theſe, *Cap.*17. *Sed his quidem multa magnificentiora contemplari poſſes, ſi animadvertas quemadmodum in ipſis Regiis Eccleſiæ Dei formam inſtituerit, populo in Eccleſia congregato, ipſe ſtudioſe exordiens. Sumptis enim in manus libris, vel ſacrarum literarum contemplationi diligentier animum adhibebat, vel conſtitutas cum univerſo Eccleſiæ cœtu preces recitabat.* What ſence can any man in the World make of theſe words, but that it was *Conſtantine* his cuſtome, taking the books themſelves into his owne hands, ſomtimes to turne the Holy Scriptures,& ſomtimes the *Book of common* (ἐνδίσμους, is the word in *Euſebius*) *Prayers*, according as the Order of the Liturgy by him there and then uſed, required? Now if any man ſhall aske mee, for his owne ſatisfaction, how it is in the originall Greeke, I will ingenuouſly confeſſe that the Greek doth not ſo fully and diſtinctly expreſſe it, as the Latine doth; though it be as true, that the Latine ſaith no more, then what the Greek will very well beare.

And now I have done with this Author; with whom I ſhould not have had to do at all, but that he came ſo croſſe in my way in this point of *ſet forms of Prayers*. Whether he, or I, be in the right, I ſhall willingly ſubmit to the judgement of any that are truly indifferent; that is, that ſeek the truth for it ſelfe, and imbrace it, where ever they find it; not blindly zealous to maintaine their own ſide, whether it be in a juſt cauſe or not. If it ſhal appear to others (as hitherto it doth unto me) that this man (as confident a man

man in his way of writing, as ever I met with) is much miſtaken in this point; then I ſhall yet, before I leave him, adviſe others, whoſoever ſhall happen to read this, to pauſe awhile & conſider with themſelves:

Much talke there is of a Reformation; and for my part, how hee can be accounted a true Chriſtian, that would not be heartily glad to ſee that amended, what ever it be, which, to the prejudice of Gods Glory, is amiſſe, though perchance not to be amended, without his particular loſſe and prejudice in worldly reſpects, I know not. Now then, if that Reformation, ſo much talked of every where, and by many ſo much deſired, ſhall go on, how farre ſuch men as he, ſo confident, and ſo apt to miſtake, may, either to direct or to informe, bee truſted with it, to the glory of that God, which is the God of Truth; & to the content of men truly zealous, that is, zealous *according to knowledge*; this is the thing, (and God is my witneſſe I have no end in it but his glory:) that I would deſire all men ſeriouſly to conſider of. But this, by the way only; and ſo I come to my third Poſition.

III.

FIrſt of all I would have it here remembred, that what S. *Paul* writes, 1 *Tim.* 2. 1, 2. *I exhort therefore, that firſt of all Supplications, Prayers, Interceſſions, and Giving of thanks be made for all men: For Kings and all that are in authority, that we may lead a quiet and peaceable life*, &c. is by S.

Chryſoſtom & S. *Auguſtine* expounded of the daily publike Prayers of the Church: as hath already been declared. Upon which I inferre, that when the ancients ſpeak of the power and efficacie of prayers and Supplications to the procuring of publike bleſsings, as *peace*, *plenty*, &c. they are (which I think no reaſonable man wil deny) eſpecially to be underſtood of daily, publike Church-prayers. So is *Origen* to be underſtood in thoſe words of his, in his eighth book, *contra* Celſum: thus rendred by *Sigiſmundus Gelenius*: *Poſtremò hortatur nos* Celſus, *ut opem feramus Imperatori totis viribus, & geramus ejus auſpiciis juſta piaque bella, neve detrectemus militiam ſi res ita poſtulet. Reſpondemus, ferre nos Imperatori auxilia ſuo tempore, ſed divinâ (ut ita loquar) armatura fretos, non humanâ. Idque facimus Apoſtoli monitis obedientes, cujus hæc ſunt verba;* Obſecro vos primum ut faciatis deprecationes, &c. 1 Tim. 2. 1.

Dionyſius, Biſhop of *Alexandria*, who lived in S. *Cyprians* time, that *Dionyſius* ſo much admired by the Ancients, as that *Euſebius* makes him the chiefe ſubject of more then one of his Books of *Eccleſiaſticall Hiſtorie*, in a letter of his recorded by the ſaid *Euſebius*, wrote thus of *Gallus*, who ſucceeded *Decius*, about the yeere of the Lord 250. *Quin* Gallus *neque* Decii *recogitavit calamitatem*, &c. *As for* Gallus, *he neither remembred the calamities of* Decius, *neither did he ſo diligently, as he ought, conſider with himſelfe before hand, what it might be, that had bin the chief occaſion of his ruine: but unhappily, to his great miſery, ſtumbled upon*

upon the ſame ſtone, though apparantly ſet before his eys. Who in the full ſail of proſperity, when he might have boaſted of his hearts deſire in all things, by cruell Edicts, began to proſcribe thoſe Religious men, who (τοὺς ἱερεῖς ἄνδρας, τοὺς περὶ τῆς εἰρήνης αὐτῷ καὶ τῆς ὑγιείας πρεσβεύοντας πρὸς τὸν θεὸν, it is in the Greek, whence may eaſily be gathered what men he ſpeaks of:) *both for the peace of his Kingdome, and for the health and ſafety of his owne perſon, were wont to make earneſt Prayers, and interceſſions unto God: who therefore at the ſame time, when hee drove them away, drove with them thoſe Prayers alſo, which for him they were accuſtomed to powre unto God.*

This *Gallus* was a Heathen, not a Chriſtian. And leſt any man think it ſtrange, that this holy Biſhop ſhould lay it to a profeſſed Heathen Emperours charge, that he made no greater account of the ſolemne Prayers and Supplications of Chriſtians; I would not have it unknowne, that even Heathen Emperours (ſome of them) though otherwiſe very ill affected to Chriſtianity, had nevertheleſſe ſuch an opinion of theſe Prayers, as that they thought themſelves and their Empire, the more ſecure for them, as will appeare by an Edict of *Maximinus* recorded by *Euſebius*, in the eighth *Eccl. Hiſt. c.* 29. where wee find theſe words: *Vnde Chriſtiani hac indulgentia à nobis conceſſa devincti, debent Deo ſuo obnixè ſupplicare pro noſtra, pro Reip. pro ſua ipſorum ſalute, ut quovis modo cum publicus rerum ſtatus integer & incolumis retineatur, tum ipſi in ſuis familiis abſque cura & ſolicitudine vitam traducere queant*, &c. Thus a Heathen Emperour. Let us now heare Chriſtians: and amongſt them, whom before him, who was ſo highly favoured

voured of God, as to be the first-fruits (though I know what is written of some before him) of all Christian Emperours, even *Constantine the Great*, the glory of all Emperours? Of him thus *Eusebius* in his life: *Ita igitur universo orbe sub unius gubernatoris prudentia constituto*, &c. *Imperator cùm existimaret priorum hominum preces magnum sibi momentum afferre ad salutem, & custodiam universæ Reip. eas cum necessario adhibuisset, non solùm ipse se Deo supplicem abjecit: verumetiam ut pro se ab Ecclesiæ Præsidibus supplicaretur, mandavit.*

Lib. 4 c. 14.

And thus he himself in an *Epistle* or rather *Sanction* of his, by way of *Epistle*: *Quare eos qui in Provincia tuæ fidei concredita, in Ecclesia Catholica, cui Cæcilianus præest, huic sanctæ religioni sedulo inserviunt (quos Clericos nominare solent) ab omnibus omnino communibus & civilibus Rerumpub. ministeriis solutos volo: ut nullo modo per errorem, vel per sacrilegam ac profanam prolapsionem, quæ in hujusmodi negotiis accidere solent, à cultu divinæ Majestati debito abstrahantur; sed absque ulla molestia propriæ legi obsequium præstent. Qui quidem cum sacrum numen summo honore & veneratione prosequantur, incredibile est, quantum Reipub. adjumenti videantur allaturi.*

Euseb. Eccl. Hist. l. 10. c. 7.

What *Cultus* is here especially meant, is more clearly expressed in the Greeke, by θεραπεία, and λατρεία, words which all know (the latter especially) to be commonly used of the daily *Service* of the Church. Neither was this the Divinity of that godly religious age onely: For *Justinian*, who swayed the Empire two full hundred of yeares after, spake much after the same manner. As where he saith: *Omnem adhibentes providentiam circa*

Cod. lib. 1. tit. 3 l. 42.

ca ſanctiſſimas Eccleſias in honorem & gloriam ſanctæ & incorruptæ homouſiæ Trinitatis, per quam & nos & communem Rempub. ſalvos fore credidimus: inſiſtentes etiam doctrinæ ſanctorum Apoſtolorum de creandis irreprehenſibilibus ſacerdotibus, qui quidem ob id potiſſimum ordinantur, ut ſuis precibus benignitatem clementiſſimi Dei rebus acquirant communibus, (id eſt, *Reipub.*) *præſenti lege ſancimus, &c.* Where *Dionyſius Gothofredus* (a man well known amongſt Scholars for his learned labours; whoſe ſon, or Kinſman, as I take it, *Jacobus Gothof*: hee alſo a very learned man, was lately Conſull of *Geneva*:) his marginall note is: *Nota munus Epiſcopi; & ita* Petrus *Act. 6. ver. 4.*

Again: the ſame *Juſtinian* elſwhere, *Certiſſimè credimus, quia Sacerdotum puritas, & decus, & ad Dominum Deum & Salvatorem noſtrum Jeſum Chriſtum fervor, & ab ipſis miſſæ perpetuæ preces multum favorem noſtræ Reipub. & incrementum præbent, per quas datur nobis & Barbaros ſubjugare,* &c. Where again the marginall note is; *Munus Epiſcopi, precari. Preces Epiſcopi, Reipub. utiles.* And again, *Novel. 133. cap. 5. Si enim illi puris manibus, & nudis animabus pro Repub. ſupplicent Deo, manifeſtum quod & exercitus habebunt benè, & civitates benè diſponentur, Deo quoque placato,* &c. *Sed & terra nobis feret fructus, & mare quæ ſua ſunt dabit, illorum oratione propitiationem Dei ad omnem Rempub. deducente,* &c. And there alſo the Margin is; *Operæ Dei Miniſtrorum quænam ſint.* *Ibid. tit. 4. l. 34.*

Thus have I now, through Gods grace, gone over my three Poſitions, and I hope I am not come ſhort (though I have endevored to be ſhort) of

of my undertaking in any of the three. I have no more to ſay, but that I deſire them that ſhall read this (if any ſhall) all paſsion and prejudice laid aſide, as becommeth good Chriſtians, to conſider, whether the religious uſe of *Cathedrals*, where (as by the end of their inſtitution it ought to be: if through abuſe, incidentall to beſt things, it happen to be otherwiſe any where, authority may look unto that;) publike prayers and ſupplications, for particular perſons, as Princes, and Magiſtrates; and for all men in generall, of all eſtates and conditions; for the peace and proſperity both of the Church, and of the Common-weale, with much reverence and devotion are daily offerd unto God, may not hence, in part, bee inferred. I ſay in part, becauſe of divers other particulars, that might be alleaged to the ſame purpoſe: as for example, *Sermons*; another mayne part of Gods worſhip: which I think are more frequent (not to ſay any thing of the Choice) in *Cathedrals*, then in any other Churches of the Realme: and God forbid, but it ſhould be ſo.

FINIS.

Errata.

Pag. 6. line 2. reade, little danger. But this I conceive to be a matter of great conſequence. Let us therefore, &c.

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SIONS

CHARITY TOWARDS HER Foes in misery.

IN

A DIALOGVE BE-tweene a Citizen of LONDON, and a Country-Gentleman, concerning the Offenders of these times.

Mat.7.1. *Iudge not, that ye be not Iudged.*

1 Cor.13.6. *Charity reioyceth not in iniquity, but reioyceth in the truth.*

London Printed by *R. H.* for *I. D.* 1641.

SIONS CHARITY.

Gentleman. Well overtaken Sir.

Citizen. You are very welcome Sir.

Gent. I pray you Sir how far travaile you this way.

Citt. As far as Nottingham, if the Lord permit.

Gent. And whence come you Sir I pray you.

Citt. From London Sir.

Cent. Indeed I thought by your habit you were a Citizen of London, and to tell you truly, I am glad I met with you, for that I much desire to heare what newes at London this Parliament time; therefore if I can intreat so much favour at your hands, as to accept of my company a mile or two of your way, and to relate unto me some of your newes at London, I shall thinke my self much bounden unto you.

Citt. Sir, you seeme to be an honest grave countrey Gentleman, and therefore your company to me is very acceptable, and I should be glad that you had further to goe on in my way, and shall be willing to pleasure you in telling you any newes I know at London.

Gent. Sir, I thanke you very kindly, and first of all I pray you tell me, is the Parliament like to sit still, and not be dissolved.

Citt. Yea, I make no doubt of it, for thankes be to the Lord there is an Act for that purpose.

Gent. Blessed be the Lord for it, I rejoyce to heare it, assuring my selfe, if they sit without disturbance they will amend many things that are amiss both in the Church and Common-wealth.

Citt. God grant it, say I; for in my judgement there is great need.

Gent. Yea doubtlesse, and I pray you Sir what heare you concerning those that have been the troublers of this our Israel.

Citt. Concerning them, this I say for certaine, that some of them are fled, and one is dead, and others are yet alive.

Gent. And who be they I pray you that are fled.

Citt. *Finch*, *Windebank*, and divers of that wretched crew, whose names I cannot now remember.

Gent. And who is he I pray you that is dead?

Citt. The Deputy of Ireland, that traiterous wretch, and murdering caitife.

Gent. And who are they I pray you that are yet alive.

Citt. Great Belzebub, that Prince of devils, who though he is fast chained up in the Tower, yet many others of his infernall Spirits are yet at liberty.

Gent. Sir, by your favour, I must make bold to tell you before we proceed any further, that I thinke you doe very ill in giving them such titles, you seeme by your civill habit to be a man professing the feare of God, and therefore I thinke it meet for mee

to

to tell you that these are unchristian like speeches.

Citt. Why Sir, I pray you, can a man speake too ill of them that have been enemies to all righteousneſſe, did not the Apoſtle *Paul* call *Elimas* the Sorcerer as ill as I call them *, Acts 13.8.

Gent. It is very true indeed, the Apoſtle *Paul* called him as ill, yet doubtleſſe it is not lawfull for you to follow his example therein, except you bee full of the holy Ghoſt, as the Text ſaith *Paul* was, and thereby was able to diſcerne him to be the childe of the devill: and beſides, as I hope, you know our beſt Divines * doe forbid us to ſpeake evill either of them that are abſent, or of the dead; yea, the Apoſtle *Paul* goes further, ſpeake evill of no man. * M. *Dent.* Tit. 2.2.

Citt. But if you were in London, you ſhould not only heare bad men, but alſo many good men ſpeak as ill of them as I have done: yea, you ſhall ſee divers writings, yea, and Bookes printed, lying on many Bookſellers Stals to be ſold, that give them as bad language as I have done.

Gent. The more is the pitty, I am ſorry to heare it, being aſſured that this is not the language of Canaan, which every Chriſtian ought to ſpeake. Doe you not remember the Apoſtle *Iude* writes, that when *Michael* the Archangell ſtrove againſt the devill, and diſputed about the body of *Moſes*, durſt not blame him with curſed ſpeaking, or give him any railing accuſation, but only ſaid, the Lord rebuke thee: and to tell you truly, though I my ſelfe be one whom they call a Profeſſor, yet doe I utterly diſlike this diſpoſition which I have obſerved in many, who are called by that name, in uttering ſuch bitter words againſt groſſe offenders, and much more if

they write or print Bookes in that nature, to tell you truly, I like not such Satyricall spirits.

Cut. Why, but Sir by your favour, I conceive that such Bookes doe much good, for first, thereby it is possible that such as have offended may come to see their offence thereby, and so be brought to shame, and afterwards to repentance: and then secondly, hereby it is made apparant to the world, what they are, and so they come to be detested, and at last cut off from troubling this our Israels as one is, and I hope more will follow.

Gent. Sir, I pray you conceive that it is not the matter of such Bookes that I doe simply condemne, but the manner or stile of them; for I conceive if such matter as is in some of them, were composed after a sober, pittifull, and Christian-like manner, without tart or bitter speeches, then it were possible they might be a meanes to worke shame and repentance in the hearts of offendors. Let the sin bee shamed rather then the sinner, the particulars offensive, then the persons offending, saith a godly man: but this tart manner spoiles all; for first it makes the offendors conceive, that the authors and approvers of them doe hate their persons, and so speake out of malice, or desire of revenge, and so by that meanes they doe but exasperate them, or harden them, and rather keep them from repentance, then bring them unto it, and besides, without Gods preventing grace, they will occasion the readers, or hearers of them, either to hate their persons, or jeere them, or both; it is a most intemperate zeale * saith a godly Divine, that spends it selfe in the vain and bootlesse censure of the estate of those that are without:

* M. Byfield

without: those censures have in them much of provocation, and nothing of edification; it were happy for some Christians if they could with the Apostle say often to their own soules, what have I to doe to judge them that are without. 1 Cor. 5. 12, 13.

Citt. Well Sir, one thing I can assure you of upon my own knowledge, that the printing and selling of such Bookes hath been a meanes to help many a poore man in London these dead times of trading.

Gent. That may be indeed, and yet the Bookes never the more lawfull or warrantable for that, you know wee must not doe evill that good may come thereof.

Citt. Well Sir, let us leave off this discourse concerning the Bookes, and let us proceed a little further in our discourse concerning the persons who are the subject matter of such Bookes, and I pray you tell me how you conceive a Christian man is to stand affected toward such persons?

Gent. Without question he ought to love their persons as they are men, you know whose words they are, *Mat.* 5. 44. *But I say unto you, love your enemies.*

Citt. Indeed I grant, if they were my private enemies I ought to love them, yea, and so far forth as they are so, I ought to doe it; but these men are publike enemies, yea, Gods enemies, such as oppose and hate the truth of God, and persecute it in the professors thereof, yea they are such as are enemies to any good course, and godly proceedings.

Gent. Though they be Gods enemies, and publike enemies, yet for ought you know while they are alive they may be curable, and therefore though you

may

may hate their ſins, and pray againſt their devices, yet muſt you love their perſons.

Citt. But did not *Paul* and *David* hate the perſons of ſuch, and pray againſt them, and may not we imitate them therein?

Gent. It is true indeed, *Paul* prayed againſt *Alexander* the Copper-ſmith, that God would reward him according to his workes; So *David* ſaith, Do not I hate them O Lord that hate thee? &c. and ſo in many other *Pſalmes* he prayes for the finall and utter deſtruction of his enemies, which indeed is a ſigne of utter hatred, yet this was becauſe they were not only Gods enemies, but deſperate and irrecoverable ones, which they ſaw by the Spirit of God, being extraordinarily and infallibly informed thereof, and therefore their prayers were but prophecies of the finall deſtruction of theſe men, as *Pſal.* 63. 9. and 54. and 5. But for us, becauſe we have not the like meaſure or gift of Spirit, we have no ſuch warrant either to hate, or pray directly againſt any mans perſon.

2 Tim. 4. Pſal. 139. 32.

Citt. Well Sir, I tell you truly I did not conſider theſe things before now, and I begin to feare my heart hath not been ſo rightly affected towards theſe men whom I have named, as it ought, therefore I pray you proceed further in this matter.

Gent. I will, as the Lord ſhall enable me, and firſt as touching them that are yet living, I conceive it is the duty of a Chriſtian, and that which doth moſt expreſſe a Chriſtian-like ſpirit, to expreſſe our love to them in being ſorry, yea, and in mourning for them, yea, and the more we heare their faults diſcovered, the more we are to ſorrow for them: & this I

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an confident hath warrant from Scripture, doe you not remember what the Apostle said to the Corinthians touching the incestuous person, and you are puffed up saith he, and have not rather sorrowed. 1 Cor 5.2.
It is a place that I have often thought upon, and to tell you truly, I have found such a disposition in my owne heart as was in these Corinthians, and that is, when I have heard of others that have committed some grosse offences, I have as it were found my heart glad within me, or rather puffed up with pride, because I have not been guilty of the like transgressions, when as it is cleare by the Text, that I should rather have sorrowed for them, for want of which disposition, the Apostle blames the Corinthians; it was well said therefore of one, in the Booke called the Lives of the Fathers, when it was told him that one of his brethren was fallen into whoredome; he fell yesterday saith he, and I may fall to day; to this purpose *Luther* hath an excellent saying, we must not saith he, measure our own holinesse by other mens sins, therefore let him that standeth, take heed lest he fall, and have ye not considered when it was revealed to *Elisha* by the Spirit of prophecie, what grosse crimes *Hazael* should commit hereafter? the Text saith, that he looked upon him stedfastly, and wept; now if that the Prophet of God wept when he considered the evill which that wicked man should commit hereafter, ought not we, think you, to doe the like when wee consider what wickednesse men have committed heretofore, and indeed Sir, if we did well we should make this good use thereof unto our selves, that is, when we heare what transgressions others have committed, 1 Cor.10. 12.

mitted, we ſhould therein as in a glaſſe behold our owne natures, we being the very ſame by nature as they are, and if we had the ſame temptations which they had, and the Lord ſhould leave us to our ſelves as he left them, we ſhould certainly commit the like tranſgreſſions which they have done. To this purpoſe I remember a ſtory which I heard a godly Divine relate in the Pulpit concerning a certaine man, who being diſtreſſed in conſcience by reaſon of the apprehenſion of the greatneſſe of his ſins, one of his Chriſtian friends labouring to comfort him, willed him to conſider that his ſins were not ſo great as *Manaſſes* were, who yet notwithſtanding were forgiven, whereupon he replyed, if I had lived in *Manaſſes* times, and had had the ſame temptations as *Manaſſes* had, I ſhould have committed as great ſins as *Manaſſes* did. Wee cry out ſaith another godly Divine, againſt *Cain* for murdering his brother, and againſt *Iudas*, for betraying his Maſter, when as we our ſelves have the ſame murderous and traiterous diſpoſition in us by nature; to this purpoſe *Auſtin* ſpeaketh well, ſaying, There is no ſin which any man hath done, but another man might doe the ſame; yea, ſaith *Luther*, God by ſuch examples doth ſhew unto us our owne weakneſſe, that we ſhould not wax proud, but ſtand in feare, according to that of the Gal.6.2. Apoſtle, Conſidering thy ſelfe, leſt thou alſo bee tempted.

Cit. Truly Sir, it would be very well if we could be thus affected towards them, and that we could make ſuch good uſe thereof as you have ſpoken, for then ſhould we pitty them, and pray for them, and now perſwade my ſelfe it is our duty.

Gent. Yea ſurely, whileſt they are alive it is our duty to pray for them, the faithful, ſaith *Calvin*, deſire as much as lyeth in them, that the wicked ſhould returne to a perfect minde, and ſo they ſeeke their ſalvation, that they ſhould not periſh, thus then we muſt pray to God to pardon them, and to turne their hearts, and to move us hereunto, let us first conſider that our Saviour commands it. Mat. 5. 44. Secondly, let us conſider that they are our owne fleſh. Eſay 58. 7. Thirdly, conſider they have ſome part at the leaſt of Gods image in them, but alas this duty is contrary to the nature that is in us, and the practiſe of the world, and therefore contrary to this duty, they doe hate them, rejoyce at their fall, ſpeake all ill both to them, and of them, and interpret all things againſt them.

Cit. Well Sir, you have fully ſatisfied me how we ſhould be affected towards the living, I pray declare likewiſe how we ſhould be affected towards the dead.

Gent. As we muſt pray for them whileſt they are alive, ſo muſt we pitty them being cut off, becauſe they have brought miſery upon themſelves.

Cit. But may we not lawfully rejoyce when wicked men are taken away, are wee not bidden to rejoyce at wicked mens deſtructions, *Pſal.* 52. and *Pſal.* 58. 10.

Gent. Indeed thus much I doe grant, that though we know not mens finall eſtate, yet if we ſee any notorious enemy of the Church and Goſpel, and good men taken away, we may give God thankes, and in ſome ſenſe rejoyce, as namely, for that God hath ſhewed himſelfe carefull of his Church, and hath

provided for his owne glory, the comfort of his people, and paſſage of goodneſſe, and for the terror of other bad ones left behinde, but we muſt no waies rejoyce as it is the deſtruction of the perſon: but I being now come to my journies end, muſt of neceſſity breake off, though abruptly, except you will be pleaſed to light and refreſh your ſelfe, and your horſe with ſuch proviſion as our Countrey affords.

Citt. Truly Sir, I am heartily ſorrie that you are ſo ſoone come to your owne home, and that I cannot by any meanes ſtay any longer with you, for I deſire to reach to Nottingham to night, and you ſee the day is far ſpent, ſo that if I ſhould ſtay, I feare I ſhould be benighted, wherefore Sir I give you moſt hearty thankes for your good company, and eſpecially for your Chriſtian-like diſcourſe, the which I hope I ſhall never forget, and if it pleaſe the Lord to bring me to London againe, I purpoſe to acquaint my friends with theſe things, who have as well as I been heretofore too harſh in judging and ſpeaking againſt theſe men.

Gen. Sir, I ſhold have been right glad to have heard more newes from London, but ſeeing you cannot conveniently ſtay, there is no remedy, I thanke you for your company, and ſo the Lord be with you, and ſend you well to your journies end.

Citt. The Lord be with you alſo I beſeech him, *Amen.*

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THE PROTESTATION PROTESTED:

OR,

A ſhort Remonſtrance, ſhewing what is principally required of all thoſe that have or doe take the laſt *Parliamentary*

By H. Burton PROTESTATION.

ECCL. 5. 45.

When thou voweſt a Vow unto God, deferre not to pay it; for hee hath no pleaſure in fooles: pay that which thou haſt vowed. Better it is that thou ſhouldeſt not vow, then that thou ſhouldeſt vow, and not pay.

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THE PROTESTATION PROTESTED.

ECCLES. 5. 4, 5.

When thou vowest a vow unto GOD, *deferre not to pay it: for he hath no pleasure in fooles: pay that which thou hast vowed. Better it is that thou shouldest not vow, then that thou shouldst vow and not pay.*

WHen in the Scale of Conscience rightly informed, I weigh the words of the *Protestation*, and of this Exhortation of the Holy GHOST together, I cannot but tremble, when I see what small account most men doe make of so solemne a Vow, as they so solemnly take upon them in the said PROTESTATION.

For when Miniſters and People have taken the *Proteſtation*, and have ſolemnly vowed to maintaine the Doctrine of our Church, ſo far as it is oppoſite to Popery; Doe they withall preſently ſet upon the performance of this their *Vow*? Doe they not further deferre to pay it? Surely if they doe deferre it, the holy Ghoſt cals them *fooles*, in whom God hath *no pleaſure*. And it had beene better for them never to haye *vowed*, then to *vow* and not pay.

Object. But how doe they deferre to pay their *Vow* thus made?

Anſw. In that they doe not preſently renounce, and proteſt againſt all Popery, and for ever diſclaime and abandon all Communion with it.

Obj. Why, will they ſay, what Communion have we Proteſtants with Popery? We do all renounce it.

Anſw. In words we doe renounce it, but indeed wee retaine it, and have cloſe Communion with it: ſo farre are we from keeping the *Vow* thus made.

Obj. But what Popery doe wee Proteſtants of the Church of *England* retaine with us, or hold Communion with?

Anſw. Wee hold Communion with Popery, ſo long as wee doe publikely retaine and maintaine any of the Doctrines of Popery. And the Doctrines of Popery which wee retaine and maintaine, are theſe. Firſt, The impoſition of the Liturgie. Secondly, The Diſcipline. Thirdly, The Government. Fourthly, The Ceremonies.

Obj. But theſe being as yet eſtabliſhed by Law, wee may not caſt them off, till the Law which ſet them up, be abrogated, which muſt be by Act of *Parliament*. And we proteſt againſt Popery to caſt it out, as farre as lawfully we may, and no otherwiſe.

Anſw.

Anſw. Firſt, All Lawes are to be interpreted according to their cleare intention and end. Now the Law for Reformation never intended to allow or ſet up Popery in this Church of *England*. Secondly, If any humane Lawes be found to be contrary to Gods Word, they are invalid and void *ipſo facto*. And it will appeare, that impoſition of a deviſed Liturgie, humane Rites and Ceremonies, Prælaticall government and Diſcipline, are directly contrary to Gods word. Thirdly Having once made this ſolemne *Proteſtation* and *vow*, againſt all Popery, and finding that the particulars aforeſaid are branches of Popery, wee are bound *ipſo facto* forthwith to have no more *Communion* with them, but utterly to renounce them.

Ob. But what if the *Parliament* did not intend or underſtand by Popery, the foreſaid things, as the Liturgie, Diſcipline, Government, Ceremonies uſed in our Church, and by Law eſtabliſhed? Shall we preſume to extend the ſenſe of the *Proteſtation* further then the firſt makers thereof intended. And the Prelates (wee preſume) would never ſo readily have ſubſcribed to the *Proteſtation*, had they dreamed any ſuch ſenſe to lye hid under the name of Popery, as their Hierarchy, with their Liturgie, Rites, Ceremonies, Diſcipline, Government; for then they had in the *Proteſtation* proteſted againſt all theſe, and ſhould have given their hands and votes, for the rooting of them out of this Church.

Anſw. Firſt, This we are ſure of, and 'tis moſt cleare by the expreſſe words of the *Proteſtation*, that they intended it againſt all Popery. Secondly, They expreſſe themſelves and profeſſe thus farre, that the words of the *Proteſtation* are not to be extended to the maintaining of

any forme of Worſhip, Diſcipline, or Government; nor of any Rites or Ceremonies in the ſaid Church of *England*. *Ergo*, wee doe not, we may not proteſt for the maintenance of theſe. Thirdly, ſuppoſe that at the firſt making of the *Proteſtation* in the *Parliament*, theſe particulars afore-mentioned were not reckoned in the Catalogue of all Popery: yet no good Chriſtian will or can deny, that the Honourable Houſe of Commons did not at all intend to exclude what ever ſhould be found to pertaine to *Popery* as a branch thereof. And therefore we may boldly conclude, that if the forementioned things ſhall be found to be, and that no ſmall branches of Popery, the *Proteſtation* hath an edge to cut them off all at one ſtroke. Fourthly, we are all in an erected hope of ſuch a Reformation intended by this moſt noble *Parliament*, as cannot juſtly challenge the name of Reformation, unleſſe all Popery be made to be packing, which of neceſſity muſt carry with her all trinkets and baggage, with all her pompous equipage, among whoſe ſumpters, the Hierarchy, with all its *Pontificalibus* of Service, Ceremonies, Diſcipline, Traine, Courts may challenge to goe in the formoſt ranke. Fiftly, and laſtly, ſuppoſe it could be ſuppoſed by any rationall man, that the Houſe of Commons could have no ſuch thought as implicitely to include the aforeſaid particulars in the fardell of Popery: or that they could poſſibly intend the maintaining of thoſe things ſtill, of which they expreſly ſay, *That the words of the* Proteſtation *are not to bee extended to the maintaining of any Forme of Worſhip, Diſcipline, or Govvernement, Rites or Ceremonies*; or that theſe things ſhould not be removed but maintained ſtill: What then? Shall private and particular Chriſtians, knowing theſe things to be Popery and Antichriſtian

tichriſtian, being alſo bound by their ſolemne *Vow* and *Proteſtation*, never reforme themſelves, untill they ſee a generall Reformation over the whole Land? What if they ſhall never live to ſee this? Will they againſt their Conſcience, againſt their knowledge, againſt their *Vow* and *Proteſtation*, live and die Votaries and Communicants in that Service, Schoole-boyes and Punies under the *Ferula* of that Diſcipline, Vaſſals under that Government, Conformiſts to thoſe Rites and Ceremonies, all which are very Popery and Popiſh Innovations?

Ob. But how doth it appeare, that the fore-mentioned particulars are branches of Popery? If our Conſcience could be convinced hereof by the Word of God, then ſurely are we bound both by Gods Word, and by our *Vow* and *Proteſtation* preſently to renounce and abandon theſe things, and to have no longer any Communion with them.

Anſ. It is moſt true, that nothing can reſolve, regulate, and ſettle the Conſcience, but the Word of God in the evidence of it. Now moſt cleare it is by the Scripture, that the Liturgie, Diſcipline, Government, Rites and Ceremonies of the Church of *England*, are all of them ſo many branches of Popery. For proofe hereof: firſt for the Liturgie; this is a branch of Popery in two generall reſpects: Firſt, in regard of the whole frame and matter of it, as being tranſlated out of the Romiſh Latin Liturgie, as is confeſſed in the Booke of Martyrs; ſee for this the late Parallel between the Engliſh Liturgie, and the Maſſe-booke. I omit to ſay any thing heere of the many vitious particulars throughout the Service-booke, which run as the corrupt blood through all the veines of it, and are by others ſufficiently diſcovered. This is enough to ſhew it to be Popiſh. The ſecond generall

nerall is, the impoſition of it upon all mens Conſciences. Which bare impoſition alone, were the Liturgie in it ſelfe never ſo free from other faults, yet being a Service of mens deviſing, the impoſition (I ſay) makes it a branch of Popery. For Popery (wee know) is Antichriſtianiſme. And Antichriſtianiſme is an oppoſition to Chriſt, ſo as this impoſition upon the Conſcience is an oppoſing and overthrowing of Chriſts Kingly Office, who is the ſole King and Lord over the Soule and Conſcience; an office incommunicable to any Creature, or Power in Heaven or Earth. Whereupon *John* ſaith, *Who is a lyar, but he that denyeth that Ieſus is the Chriſt, He is Antechriſt.* Now to deny *Ieſus* to be the ſole annointed King of his Church, is to deny him to be *the Chriſt*. And he that ſets up man as Lord over the Conſcience, in preſcribing and impoſing what Service of God hee pleaſeth of humane invention, denyeth Ieſus to bee the Chriſt, to wit, to be the ſole King of his Church, who is the ſole Law-giver to the Common-wealth of Iſrael, in his ſpirituall Kingdome.

* 1 Joh. 2. 22.

And for this cauſe the Pope is proved to be that Antichriſt, who is * *the Adveſary that exalteth himſelfe above all that is called* GOD, *or that is worſhipped; ſo that he as God ſitteth* in or over *the Temple of God* (which is every mans conſcience) *ſhewing himſelfe that he is* GOD. Now in nothing doth Antichriſt exalt himſelfe more, then in uſurping Chriſts power in giving Lawes, whereby hee exerciſeth a Tyranny over the true Temple of God, over the ſpirituall Kingdome of Chriſt. And this tyranny is cheifly exerciſed in uſurping dominion over our Faith and Conſcience in the worſhip and ſervice of God, which they place in the Liturgie. This is the higheſt pride and preſumption of Antichriſt that poſſibly

* 2 Theſ. 2. 4.

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can be. This is that *wil-worſhip*, or a worſhip invented of mans will and choyce, which the Apoſtle * expreſſly condemneth and brandeth, as *the higheſt Tyranny, which to bee ſubiect unto is the ſpoiling and cheating men of their ſalvation* (as we read at large *Col.* 2. *v.* 8. 18.) *and a ſeparating us from our Head and King Chriſt*, *v.* 19. and *an evacuating of his death*, *v.* 20. The Impoſition therefore of a *Liturgie* upon the Conſcience deviſed by men, and pretended for the worſhip and ſervice of God, yea and the onely divine publike worſhip of his Church, is a maine branch of Popery, as being the Character of Antichriſt or Antichriſtianiſme, which is the very with Popery; Popery & Antichriãiſme being convertible termes. Thus it is as plaine, as brief, that the impoſing of a *Liturgie* of mans deviſing upon the Conſcience is the pretended Service of God (though indeed it is rather the ſervice of many, and which God condemneth as a *vaine worſhip of him*) is a maine branch of Popery.

* Col. 2. 23.

a Math. 15. 9.

Secondly, for Ceremonies of mans deviſing in the worſhip of God, and impoſed upon the Conſcience, theſe being the ſame nature with, as being a part of the *Liturgie*, are by the ſame reaſons (as before) proved to be Popery.

Thirdly, for Diſcipline (which ſtands chiefly in correction of manners, and inflicting of Cenſures as Excommunication, ſuch as is and hath beene exerciſed in the Church of *England* by the *Prelats* ever ſince the pretended Reformation in this point) that this is alſo another maine branch of Popery, doe but compare it with that Diſcipline in the Church of Rome, and you ſhall find it in all points ſo to jump and agree, as you muſt of neceſſity conclude, if Romes Diſcipline be Popery, then certainly our Engliſh Diſcipline is Popery too. For in nothing (I ſay) doe they differ, ſo as the Diſci-

pline of our Church being falſe, and counterfeit, becauſe Popiſh; and ſo our Church wanting the true Diſcipline, which ought to be one of the three markes of a viſible true Church, as it is noted in our Homilies: the Church of *England* wants this marke at the leaſt. And if the *Sacraments* be not *duly adminiſtred*, as being mixed and corrupted with a ſervice of mans deviſing, and miniſtred pell mell (as in the Lords Super) to ignorant and profane perſons: then for ought I ſee, it wants a ſecond marke of a viſible true Church. And if (as lately, and ſtill in many places) the word of God in the preaching of it be generally corrupted, as when the full, and free liberty of it in ſundry points of Evangelicall truth, is reſtrained and prohibited by orders and edicts, not yet called in, and damned; by this reckoning it ſhould want the third marke, & ſo much the more, in caſe the calling of the Miniſtery it ſelfe ſhould prove a peice of Popery too. But this by the way onely it leads us the way to the next point, which is the Government of the Church of *England*.

Fourthly then, for the Goverment of the Church of England, by Archbiſhops, Biſhops, Arch-Deacons, Deanes, Commiſſaries, Officials, and the reſt of that fraternity: if this be not Popery, yea and a top-branch of it, I know not what is? ſure we are, not any one of all this rabble is found to be in the Scripture; and therefore of divine Inſtitution this Government is not: And conſequently, Chriſtian it is not. It muſt needs then be of Antichriſts Order, and Papall meerely. So as if Romes Hierarchy be the top-branch of Popery in that Church: how can it be denyed, that the Hierarchy here in *England* is the top-branch of Popery in this Church? For if we looke upon this Hierarchy from *Canterbury* to *Carlile*, and goe through all their Courts, their Officers, the

their Offices, and Adminiſtrations therein, wee ſhall therein behold the perfect image of the Papall Beaſt, from horne to hoofe. And if any will object here that the ſubordinate Miniſters beare a part in this Government: (alas!) that's but a meere mockery. For theſe are but the Prelates *Curates*, and a company of Prieſts little differing from Romes Order of Prieſtho d in the eſtimate of our Prelates, ſaving that they are not ſhaven, and have beene of late prevented of being Sacrificers. But a part in the Hierarchicall Government they have none, unleſſe a dumb Prieſt commonly, or ſome Doctor now and then be the mouth to thunder out Excommunication in their Courts, which the poore Curate at the Commiſſaries beck muſt publiſh in the Congregation. And to theſe Curates conſideration I refer it, whether they be able truely out of good premiſes to conclude themſelves to be the Miniſters of Chriſt lawfully called, whom all of them doe immediately derive their Miniſtry from the Antichriſtian Hierarchy, or Papall Prelacie, as the ſole foundation thereof. But this ſuffice briefly to prove the government of the Church of *England* by Arch-Biſhops and Biſhops, &c. (Falſe and uſurped Titles) to be a top-branch of Popery. If here it be objected, that the Government of Arch-Biſhops and Dioceſan Biſhops was before Popery came up, or Antichriſt was mounted on his throne: I anſwer, firſt, that the Government of Arch-Biſhops and Dioceſan Biſhops was anciently much different from the Papall Hierarchicall Government afterwards, whoſe Courts and ſole Prelaticall Juriſdictions were not known in the Primitive Ages long after the Apoſtles. Secondly, the Government of Arch-Biſhops and Dioceſan Biſhops, at the very beſt, and when they firſt ſprung up, was even

Obj.

from the wel-head corrupted, as being an humā device, and the first spring of the Mistery of iniquity which the further it ran, the more corrupt it grew, till it had its full confluence in muddy Tiber, the See of *Rome*, by whose innundation Antichrist, having hoysed up his maine sailes, could easily compasse in the whole Easterne Christian World. Thirdly, the Hierarchicall Government in *England*, as a maine arme of that sea; so it hath altered nothing of its former property, when it was a limb of the Papacy. Saving that before the Reformation they held immediately from the Pope, and now especially of later dayes, they hold by the same false pretended title which the Pope himselfe holds by, namely from Christ, and by divine Authority. Witnesse Dr. *Hals* sweatty discourses. And Dr. *Foclington* shewes us a briefe Pedigree of the present titular Arch-Bishop of *Canterbury*, saying, * *Miserable men were wee, if he that now sitteth Arch-Bishop of* Canterbury, *could not derive his succession from* Saint *Augustine*, St. *Augustine from* St. *Gregory*, St. *Gregory from* St. *Peter*. So he. Only, here he failes, and so becomes miserable, that though he can prove *Canterburies* succession from Rome, yet never Rome's from *Peter*. And so a severall misery followes upon it, that our Hierarchicall Goverment being a limb of the Papall, and so a top-branch of Popery, it is now universally of all good Christians in *England protested* against, as worthy to be cut off and cast out, as a fruitlesse withering branch, and to be plucked up by the rootes as a tree twice dead, and as a plant not of Gods planting.

Ob. But if it be thus, that for the reasons aforesaid the whole Government of the Church of *England* ought to be irradicated, together with the Liturgie, Discipline

pline, and Ceremonies, in ſtead thereof.

I anwere briefly: Firſt, underſtanding the Church of *England* to be none other, then a nationall Church it will be very difficult, if not rather impoſſible to conſtitute it ſo, as is agreeable in all points to a true and viſible Congregation of Chriſt. For a particular Church, or congregation rightly collected and conſtituted, conſiſts of none, but ſuch as are viſible living members of Chriſt the head, and viſible Saints under him, the one and onely King of Saints: but ſo is it not with a Nationall Church: all the members thereof are not viſible Saints, or viſible living members, when the greateſt part of a Nation commonly is found to conſiſt of perſons either ignorant or profane. * For as the Scripture ſaith, Though the Children of Iſrael bee as the ſand of the Sea, yet but a remnant ſhall be ſaved. And yet that was a Nationall Church without parallel: ſo as in the Reformation of ſuch a nationall Church as this, which hath been ſo univerſally overſpread with profaneneſſe, and darkneſſe, ſo long beſlaved under the yoke of Prelaticall tyranny, under Egyptian Task-maſters, under manifold Romiſh Superſtitions, formall ſervice, wilworſhip, univerſall falſe and looſe Diſcipline, innumerable either falſe, or unprofitable, or idle Teachers, Non-reſidents, * dumb doggs, ſo as whole Counties for want of good Miniſters, (who have beene every where caſt out) and whole Countries, yea the whole Land in compariſon are overgrowne with Papiſts, or Atheiſts, or thoſe that know not what true Religion meanes: where ſhall wee begin to reforme? Alas! in compariſon of the true Religion indeed (which ſtands not in a bare profeſſiō, but in power not in a bare name of Chriſtianity, but in

* *Iſa.* 10. 22.

* *Iſa.* 26. 10.

the nature of it; not in the mixture of mens inventions, but in the purity of Chriſts owne Ordinances) the Religion in *England* is very farre degenerate, and but a while agoe was almoſt wholly ſlidden back into the very puddle of Popery: yet not all, but as it was ſaid of the Church of *Sardis*, *Thou haſt a name that thou liveſt, but thou art dead*; yet in it were a **few names*, which had not *defiled their garments*: Even ſo in *England*, there are a few, yea I truſt many thouſands of Saints, though (in compariſon of the whole Land) but *a few names*, a remnant; whoſe hearts are perfect before God. Where then ſhall the Reformation begin now in *England*? ſurely in the new forming of a Church, ſuch as God requireth in his word, Chriſts voyce muſt firſt be heard, to call forth his ſheep, and to gather them into their flocks, and folds. For ἐκκλησία *the Church* is properly a congregation of beleevers, called out from the reſt of the world. For ſo ſaith the Lord * *Come out from among them and be ye ſeparate, and touch not the uncleane thing, and I will receive you.* A ſtrange ſpeech, *And be ye ſeparate*? Surely Gods people muſt bee ſeperatiſts from the world, and from falſe Churches, to become a pure and holy people unto the Lord. And hee ſaith to the Prophet *Ieremy*, * *If thou take forth the precious from the vile, thou ſhalt be as my mouth; let them returne unto thee, but returne not thou unto them.* And ſurely in a corrupt Church (as this is, and a long time hath beene, by reaſon of the great Apoſtacie, and eſpecially the wickedneſſe of the Prelates) we ſhould doe as the Apoſtles did when they came to plant Churches in a Country where the Goſpell had not been formerly preached. * Firſt they taught the people, and then thoſe which heard and beleeved, were formed into a Church or Congregation. But here are (bleſſed be God

• 2 Cor. 6. 17.

Ier. 15.

God) many people already fitted to make up holy aſſemblies or Churches. Well then, let it be the firſt degree of Reformation to begin and call forth all thoſe into ſeverall Congregations, who are fitted, and who deſire to draw neere unto Chriſt in a holy Communion with him in the purity of his Ordinances. And thus let Gods word run, and have a free paſſage, in calling in ſuch as God ſhall draw unto him, in what place ſoever they ſhall be found. Nor can we think at the firſt eſpecially, that every aſſembly of people collected in their ſeverall Pariſhes, is fit to make up a Congregation, and ſo qualified, as Chriſt requireth. For how many Pariſhes in *England* will be found, where ſcarce one is able to give a reaſon of the hope that is in him?

Ob. But ſhall not good Preachers be ſet up in every Pariſh, that the People may be inſtructed, and ſo fitted to be mẽbers of a Cõgregatiõ, ſuch as afore is mẽtioned.

Anſ. No doubt of that, ſo ſo farre as is poſſible to provide Preachers.

Ob. But what ſhall the People do in the meane time, who are ignorant, and profane, though not notoriouſly wicked? For have they not received Baptiſme? Are they not Chriſtians? ſhall they not then be admitted into the Communion of the other Sacrament?

Anſ. For this, every Miniſter ought to bee very diligent and carefull to ſee, that ordinary profane and ignorant perſons be not admitted to the Sacrament * The lame or the blind is not to be offered up in Sacrifice. Deut. 15. 21

Ob. But admit that ſuch as are ordinary profane perſons, and have little or no knowledge of God, bee admitted to the Sacrament pell mell: may not godly perſons communicate with them, and therein not ſin?

Anſ. For that, let ſuch as are godly look to it. For if

if Gods Ordinances bee profaned (as they are by profane and ignorant perſons comming to the Lords Table, then others alſo that communicate with them are guilty of the ſame prophanation with them. * *A little leven leveneth the whole lumpe.* The Apoſtle applies it to a mixt Communion. *Let us keep the feaſt* (ſaith he) to wit, in participating of *Chriſt our Paſſeover* in the Sacrament, *not with the old leven, &c.* And thereupon hee tels them, *I writ unto you in an Epiſtle not to company with fornicators, &c.* And * *This ye know, that no whoremonger, nor uncleane perſon, nor covetous man, hath any inheritance in the Kingdome of Chriſt. Be not therefore partakers with them.*

* 1 Cor. 5. 6.

* Epheſ. 5. 5. 7.

Ob. But if Congregations be ſo mixed, as they cannot, or are not ſecured, ſhall godly men for that cauſe deprive themſelves of the Ordinance?

Anſw. Firſt, there is no neceſſity, that men in uſing the Ordinance ſhould ſin by communicating with others in the profanation of holy things. Secondly, It is not Gods Ordinance, that his holy things ſhould bee prophaned. * *Caſt not your pearles before Swine, nor your holy things to dogs.* * *Who required theſe things at your hands, to tread in my Courts?* And yet their *Oblations*, their *Sabbaths*, their *ſolemne aſſemblies*, were Gods Ord. But becauſe they were polluted and profaned by thoſe that joyned in them, therfore the Lord abhors them. * *Waſh you, make you cleane, &c.*

* Mat. 7. 6.

* Iſa. 1. 12.

* Ver. 16.

Ob. But what's this to godly perſons communicating with prophane?

Anſ. To communicate with known evill doers (which even in their preſuming to communicate in the Ordinances, do evil in their doing of evil, is to partake of their evil deeds. * Be not *mingled* with ſuch (ſaith) the

* 2 Theſſ. 2. 3. μὴ συναναμίγνυσθε.

the Apoſtle) *that they may be aſhamed.* And v. 6. *We command you Brethren, in the name of our Lord Ieſus Chriſt, that ye withdraw your ſelves from every brother, that walketh diſorderly, &c.*

Ob. But if it be ſo, where can a godly man communicate without ſin? For where are not the Congregations mixed?

Anſ. It is true, that if there be none other Congregations allowed, but ſuch as are in Pariſhes, this confeſſion cannot be avoyded. Therfore of neceſſity there muſt be Liberty granted of ſetting up Churches, or Congregations, where *Chriſts* Ordinances are adminiſtred in their *purity*, and ſo where none are admitted members of the Congregation, but ſuch as are approved of by the whole Aſſembly for their *profeſſion* and *converſation*, as againſt which there is no juſt exception.

Ob. But would you have other Congregations, then ſuch as are limited to every Pariſh? How will this ſtand with a Nationall Church, ſuch as is the Church of *England*? This would make a diviſion, and ſeparation.

Anſ. We muſt look in the firſt place, what *Chriſt* commandeth, and what manner of Congregations he requireth, and how qualified. If a State will ſet up a Nationall Church, wherein many things out of reaſon of State are tolerated, and preſcribed for *order* ſake (as they call it) and if there be ſuch a neceſſity, neceſſity hath no Law: but let not this exclude and barre out the free uſe of ſuch Congregations, as whereof the ſpirituall Common-wealth of *Iſrael* conſiſteth, over which *Chriſt* as King immediately raigneth by his Spirit and Word in the beauty and purity of his *ordinances*. Let not the Conſciences of *Gods* people be bound, where *Chriſt* hath purchaſed *liberty*. And where *Chriſts* Congregati-

ons are ſet up, however they are ſeparate from the world in the corruptions thereof, yet they are not ſeparate from the Civil State, but are peaceable members thereof, ſubject and obedient to all the good and juſt Laws thereof. Yea where ſuch Congregations are erected and allowed of by a Civil State, they are both a ſtrength and beauty, and procure many bleſſings unto it. They are unto a Civil State, as that *fulminatrix legio*, that thundring Legion in the Emperour *Antoninus* his Army (as he called it) which conſiſting wholly of Chriſtians, among his other Heathen Legions, did by their Prayers procure refreſhing ſhowers to the whole Army, when it was ſore diſtreſſed with drowt, and terrible ſtorms on the other ſide, to the diſconfeiture of the enemie. And therfore the Apoſtle exhorts his Chriſtians 1 Tim. 2. to *pray for Kings and ſuch as are in authority, that we may lead a quiet and peaceable life in all godlineſſe and honeſty.* And Ier. 29, 7. *Pray unto the Lord for the City of your captivity: for in the peace thereof ſhall ye have peace*; implying, if it is the duty of Civil Princes and ſtates, heathen or Chriſtian, to protect, or tollerate the true Chriſtian Religion in their Kingdomes as well, as of the true Chriſtians, and Profeſſors to pray for them. For Chriſts Kingdome being ſpirituall, is ſo farr from being any prejudice to Civil ſtates, that it is the very glory and ſafety of them. And therefore the Emperour *Domitian* (under whom was moved the ſecond perſecution, and by whom the Apoſtle *John* was baniſhed into *Pathmos*) hearing that *Chriſts* Kingdome was celeſtiall, and not of this World, recalled his Edict for the Perſecution (*Euſeb. Eccl. Hiſt. lr.* 3. c. 15.) ſo as thereupon it ceaſed.

Ob. But that there ſhall be an order of *Church* gover-

men,

ment eſtabliſhed in a nationall Church, and withall a liberty left for other Church aſſemblies, exempted from this goverment, this may be a meanes to foment factious and envious emulations in a State, to the diſturbing of the peace thereof.

Anſ. For this, firſt, there be good Lawes for civill government. Seriouſly, that any one among the exempted Congregations doe incorrigably misbehave themſelvs, the Law can take order with them. Thirdly, let no man blame them, before they cry them. Fourthly, it hath beene an old ſtratageme of Satan ſtill to lay all the blame of what ever diſaſter, upon the Chriſtians, as *Nero* did. Fiftly, it cannot be expected, but where ever the Goſpel commeth in its power and purity, it will kindle coales, and ſtirre up debate, as *Chriſt* ſaith, it ſets the *Father againſt the Sonne, and the Sonne againſt the Father, &c.* But this is accidentally, in reſpect of the malegnant objects it meetes withall, though naturall too, in reſpect of the good ſubjects, in whom it is, and by whom it is ſincerely profeſſed, for it fills them with zeale and plaine dealing in reproving of ſinne, which the world cannot away withall. Thus it hath done in all ages. And God in the * beginning after the fall, upon the revealing of *Chriſt*, put an unreconcileable enmity, and deadly forehead betweene the ſeed of the Serpent, and of the woman, betweene the Elect and Reprobate to the worlds end. And if for this every civill ſtate ſhould ſhut out the true Religion, where would there be left any true Church upon the earth?

* Mat. 10 21.

Ge. 3. 9. Act. 7.

Obj. But the Church-way of independency is too ſtrict, and cannot be content with a mediocrity, but aſpires to ſuch a perfection of purity, as men are not capable of; and therefore ſuch will of neceſſity be envied and

maligned, which will be cauſe of diviſions.

Anſ. As i fall true Chriſtians were not exhorted every where, and ſo bound, to ſtrive for perfection, ſo much as is poſſible, As we read *Matth.* 5.20.48. *Phil.* 3.12. *Col.* 1.28. and 4.12. 2 *Tim.* 3.17. and every where in the Scripture is perfect holineſſe required, as *Epheſ.* 4.12. 2 *Cor.* 7.1. *Let us* (ſaith the Apoſtle) *cleanſe our ſelves from all filthineſſe of the fleſh and ſpirit, perfecting holineſſe in the feare of God.* See alſo *Heb.* 5.12. and 6.1. &c. And for envy, were there but once ſet up amongſt us ſome ſuch Congregations, as come neereſt to the rule of Gods Word, both in Church-conſtitutions, and in Graces ſutable, they would draw no leſſe love and liking to them, when we ſhould ſee in them the beauty and glory of Chriſt more ſhining forth in them, then ever this Land hath yet ſeene. And however the world accounts ſtrictneſſe, yet none are admitted members thereof, but ſuch as are both willing and deſirous, and doe freely enter into Covenant to obſerve all the conditions and orders thereof according to Gods Word: and who ſo are over, in, and of this Congregation, they find in it nothing that is grievous, but Chriſts ſweetneſſe * whoſe yoake is eaſie, and his burthen light.

* *Mat.* 11. 29, 30.

Obj. But if ſuch Congregations were ſet up, which are not confined to any one Pariſh, but collected out of many places, or out of many Pariſhes, it would perhaps ſtirre up the Patochiall Miniſters, or ſome at leaſt, to envy and malignity, when they ſhould ſee the beſt Chriſtians in all their Pariſh to be under another Miniſtry, and members of another Congregation, and by this meanes alſo ſhould their wages be diminiſhed.

Anſ. Firſt, if Chriſtians, living in a Pariſh, ſhall find juſt cauſe of ſeparating themſelves from ſuch a Congrega-

gregation, as wherein great Scandalls and offences are conſtantly given, ſo as they cannot with a good conſcience, and without diſhonour to God and his Ordinances communicate with ſuch an aſſembly, wherof the greateſt part conſiſts of prophane and ignorant perſons (as aforeſaid) but are forced to joyne themſelves with ſuch Congregations, where no ſuch offences be: ſhall any Miniſters be ſo unchriſtian, as to envy this? Or if they doe, let them reforme their owne Congregations, and take away all ſuch ſcandalls, and ſeparate the precious from the vile, and adminiſter the Ordinances of Chriſt purely and holily, and ſet up Chriſts government in their Congregations, that ſo they may retaine thoſe honeſt ſoules, which otherwiſe are forced to forſake the pudled ſtreames, to injoy the ſweet, freſh, and pure fountaine of living waters. Nor will the Miniſters and Paſtors of ſuch Independent Congregations looke after any ſuch wages, as the Parochiall Miniſters challenge to themſelves, as Tithes, or the like. No ſurely, they are, and will be content that ſuch competent maintenance as the members of their ſeverall Congregations reſpectively, ſhall freely, without any compulſion (as is uſed in Tithes) allow unto them. Now let any that profeſſe to be the Miniſters of Chriſt, maligne other, either Miniſters or people, who are deſirous to injoy Chriſts Ordinances, in as much purity as may be, and with as much liberty of conſcience, as *Chriſt* hath priviledged them withall.

Obj. But the Parliament now being about a Reformation, as the removing of all Antichriſtianiſme and Popery, as the Hierarchicall Government, and Ceremonies purged, the Liturgie, and Diſcipline, what government ſhall be ſet up in this Nationall *Church*?

Anſ.

Anſ. The Lord ſtrengthen and direct the Parliament in ſo great and glorious a Worke; and bleſſed be God who hath raiſed up ſuch inſtrumens for ſuch a worke, and who hath put in their hearts to be ſo zealous and unanimous for the perfecting of it ſo farre as is poſſible, and may ſtand with the nature of a Nationall Church. But as for the manner of Government of a Nationall Church, becauſe it hath no patterne in the Scripture now under the *Goſpell*, who can herein perſcribe or adviſe any thing. But firſt of all, if good Preachers be ſet up in every Pariſh, the noughty and ſcandalous being removed, and then for the better and ſpeedier ſupply hereof, the Univerſities and Grammer Schooles be purged, and better Governors and Miniſters ſet up: ſo ſhall the people be taught, that they periſh not for want of knowledge. As for the manner of Government of Pariſhes, whether by a Presbytry, or otherwiſe, that (as being, for its externall forme and frame, of a politicke Nation) I leave to the prudence of thoſe, in whoſe hands it is put: let it be what it will, ſo as ſtill a due reſpect be had to thoſe Congregations, and Churches, which deſire an exemption and liberty of injoying Chriſts ordinances in ſuch a purity, as a nationall Church, is not poſſibly capable of. And what ever Liturgie, or Ceremonies, or Diſcipline, are left to accompany this Naturall Church-government, tis indifferent with us, ſo we may injoy our Chriſtian liberty in the true uſe of ſuch ordinances, and of ſuch independent Church-government, as Chriſt the onely Law-giver of his Church, and Lord of the conſcience, hath left unto us in his word.

Obj. But independent Churches, being abſolute in themſelves, and exempted from a ſuperior Iuriſdicti-

on

on of others, and yet not exempt from poſibility of erring: what Law is left to reduce them from their errour? or that they perſiſt in their obſtinacy, what power ſhall cenſure, or correct them.

Anſ. Firſt, they have Chriſts Law to regulate them. Secondly, they have the Law of Chriſt, which is by love to ſerve one another. They have the law of aſſociation and confederation with other Churches to conſult, adviſe, and conferre with, in matters of doubt or queſtion. And if after all other remedies any be obſtinate in his, or their errour, they are liable to excommunication, either in the ſame Congregation, if it be a particular perſon, and the error great, or from other Churches, if the whole Congregation have offended, and do ſtiffely maintaine a dangerous errour, which yet is rarely ſeeue in a well conſtituted *C*ongregation, conſiſting of meet members. And if at any time ſuch a thing ſhould fall out, which cannot grow but from ſome roote of apoſtacy, particular or generall: if the offence doe reflect alſo upon the Laws of the civill ſtate, which are made againſt knowne Hereſies, or blaſphemy, or Idolrtry, and the like, the offenders are obnoxious to the civill power. So little feare there is, that any independant *C*ongregation, or any member thereof, ſhould be exempt from condigne cenſure, where juſt cauſe is given either Eccleſiaſticall or civill.

FINIS.

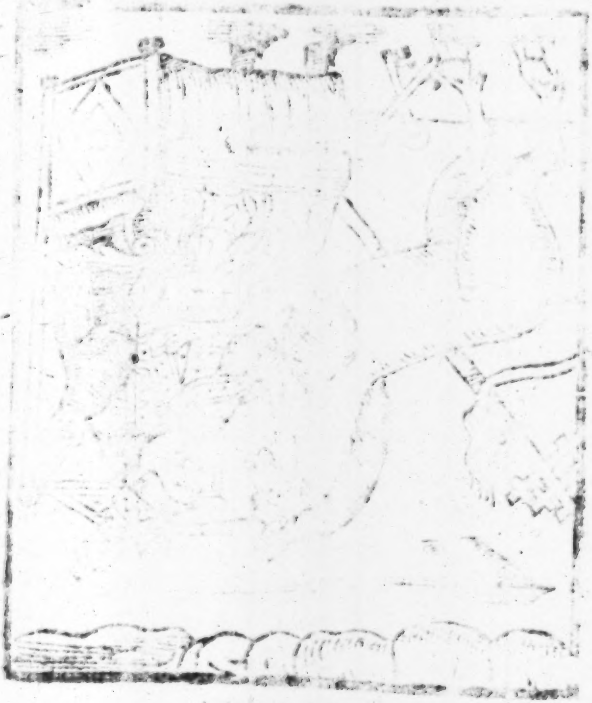
15

THE POPES BENEDICTION

OR,

His generall pardon to be purchased onely with mony and without penance: Sent into *England* by *Ignatius Holy-water* a *Iesuit*, to the Arch-bishop of *Canterbury*, and to the rest of his Subjects there.

London, Printed 1641.



POPES

THE POPES BENEDICTION,

OR

His generall pardon, &c.

All haile to our Land *of little Grace,*

WHereas your Grace imployed *Ignatius Holy-water*, to move our holyneſſe for ſome conſolation in theſe your miſeries, in regard that no petition or requeſt of yours, nor any ſuch loyall ſubject to us, as your Grace has bin, ſhould ſuffer repulſe; know that we out of our holy clemency, have firſt granted a particular pardon to your Grace, for all offences and ſins, of what nature ſoever heretofore committed, or hereafter to bee committed, *Gratis*. But withall know it is not uſuall for us to remit ſins, (the nature whereof we are ignorant) under the value of 50000. markes ſtarling at leaſt. But your Grace having ſo well improved your time (for you had almoſt reduc't great part of the Iland) to be conformable to our holy rites, Ceremonies, and cuſtomes, (which the ignorant call ſuperſtitious, and committing

Adulteries with the whore of *Babylon*) we being holily affected, and studious to reward vertue, not only have granted your owne pardon *gratis*, but are desirous that your Grace would publish our free and easie remissions to all your friends that are well affected to our Holinesse.

1. If any Priest have stole any holy or consecrated things out of any holy place, (to show that we are mercifull to your friends) we tax him at seven grosses, which in your English coine amounts to ten shillings six pence; what though the value of the thing stole amounted to 20. *li.* it may be his gown was as bare as the bowling-alley on his head, and though he tooke a course that was not very commendable, yet necessary, for your sake at the said rate, for tis very fit his sin should not be committed without money, we pronounce his pardon and our love.

2. Next if a man commit adultery with a woman in the Church, as many a man through heat of blood may doe, especially having such objects to behold, as would thaw the icie blood of a holy Priest in the holy time of *Lent*, he for his absolution shall pay but six grosses, that's nine shillings.

3. If a Priest buy a Benefice, as we see no reason why he should not, it being for his profit, another poore man gaping for it, charity begins at home, eight grosses that's twelve shillings.

4. He that has kil'd his father, mother, wife, sister, or any other kinsman, or kinswoman, or all of

of them, ſo they be of the laity is rated at five groſſes, or ſeven groſſes, and the reaſon why he is rated ſo low, all or any of theſe may be done upon good grounds; as his father might be old and hard-hearted, one that would neither die nor allow him meanes, his mother in poſſibility to be a witch, had not his provident hand prevented it, his wife incontinent might give him the Hornes, and make his head the wonder of the world, his ſiſter one of St. *Antholins* ſociety, his kinſman and kinswoman pinpe and bawd, he rather deſerves to be rewarded.

5. A man that beats his wife with child, and either or both of them die, though his intentions might be good, he would not it may be be burthenſome to the pariſh, or to ſave his owne charges, or it may be the breed was not good, ſo that he kil'd both mother and infant, or it may be he had a greater mind to another woman, yet he ſhall pay five groſſes, ſeven ſhillings ſix pence for his abſolution.

6. If any of the ſacred order of Prieſt-hood, keepe a Concubine, he is rated at ſeven groſſes, that's ſomething with the moſt, conſidering they are men; they eate as good meates of mortality as others. They ſhrive, ſwive young and handſome Maids, they are allowed no wives to ſpend their Talent upon; therefore they muſt needs have a little *Coitum*, for Phyſitians ſay it is wholeſome and good, *ad renes purgando*, yet we muſt not

winke at, him without the ſaid ſumme.

7. If a Prieſt defile a Virgin, he ſhall pay for his abſolution ſix groſſes, nine ſhillings, and no more. For we taking into our ſerious conſideration, what a woman was made for, and what ſhe was made handſome for; and conceiving it moſt fit that ſhe ſhould be broken up in religion, that ſhe might afterwards trade with a more ſafe Conſcience thinke him not worthy a deeper cenſure.

8. An abſolution for him that lies with his Godmother, or with any woman of his bloud or carnal kindred, or for him that lies with his ſiſter or his own mother, is taxed at five groſſes, ſeven ſhillings. For though a man by the rules of nature ought to requite curteſies, and for that reaſon did *carnalium coire cum* his Godmother, and though it may be he was baſhfull, and aſhamed to diſcloſe his intentions to a ſtranger, and therefore out of modeſtie made bold with his ſiſter, and though it may be his father was an old man and not able to ſatisfie his mothers libidinous appetite, and ſome body muſt needs doe it, and he could not endure that any ſhould Cuckold his father but himſelfe, or it may be his mother was a widdow and would marry againe, unleſſe ſhee might have ſome ſatisfaction in her caſe, and if ſhe married, it might be prejudiciall to his eſtate, and therefore hee would play the part of a Stallion, yet we cannot tax him at leſſe then five groſſes.

9. If a man have vowed to build an Hoſpitall,

to found a Chappell, or erect a Church parochiall, and hath afterwards ſeriouſly conſidered what inconveniences may thereby enſue, as a bad uſe might be made of his good intentions, and ſo in times to come, vice rather then religion may be nurtured in them, and the many ſums of mony, it would coſt him to no purpoſe; and therefore have a deſire to have a diſpenſation from his vow, it ſhall coſt him ten groſſes.

10. If any man have a wife, that he's deſirous to part withall (for reaſons to himſelfe beſt knowne) and in her place would marry and live with the other, and have his children made *Legitimate*, all this ſhall be done for ten groſſes, that's 15. ſhillings.

Our holineſſe would have been pleaſed, to have particularized more offences, & the penalties for them, but we were informed by your Meſſenger *Ignatius Holy-water*, that time was very pretious to you, & if he made not haſt you were in *Poſſe*, to be ſent to *Limbum Patrum*, without our holynes pardon, (which *Mary* defend) which is the only cauſe that makes our holines to be ſo briefe, but at the next returne of this our holy meſſenger, we will vouchſafe to nominate the penalties of the reſt of the pardonable offences. In the *Interim*, let not your Grace be too remiſſe to ſee theſe ſums tollerated, and tranſported to our holyneſſe uſe.

FINIS.

O pardon us!

A PERFECT RELATION OF THE FORME AND GOVERNEMENT Of the KIRKE of SCOTLAND. 1641.

Printed 1641.

A PERFECT RELATION OF The Forme and Governement of The Kirke of SCOTLAND.

1641.

THe Confeſſion of Faith, and Reformation of the Kirke of Scotland, in Doctrine, Worſhip, and Diſcipline, were regulated by the Word of God, and grounded upon Scripture, as is acknowledged by the harmony of confeſſions of the Reformed Kirkes, and by the Teſtimony of the beſt Divines in the Kirke of England, and other Reformed Kirkes.

At that time, and to this day, and amidſt the greateſt deſertions, and notwithſtanding the ambition & uſurpation of the Prelates, no other Miniſters and Office-Bearers have bin acknowledged or received by the authority of the Reformed Kirke of Scotland, but Paſtors, Doctors, Elders, Deacons, theſe being

warranted by Scripture, and being sufficient for all the necessary uses of the Kirkes, yet so, that the Civill Magistrate had his owne eminent place and Civil power, for the Conservation and Purgation of Religion.

No man here, were he never so wise, and pious above others, or doth he never so much arrogate authority to himselfe, hath the reines of Kirke Government in his hands, to dispose or doe what seemeth good in his owne eyes, but all matters are advised, and determined by Common-Consent in the Conventions, and Assemblies of the Kirke.

The Kirke assemblies, were of foure sorts, and degrees, commonly designed by the name of Kirke-Sessions, or Consistories, Presbyteries, or Classes, Provinciall Synods, and Generall or Nationall Assembles.

The Kirke-Sessions, or Consistories, doe consist of one Minister at the least, approved for his learning, life, and skill in government: and of Elders, men of best knowledge, and holiest life in the Parish, so many in number as the proportion of the Congregation doth require, who are chosen with the consent of the People, solemnely admitted to the charge, these convene weekely, for ordering such matters in the worship of God as are proper for that Parish, as what dayes of the weeke are meetest for the exercise of that Day, at what times the communion shall be given, for censuring of Delinquents in Swearing, Curling, Prophanation of the Lords Day, Drinking, Fornication, Adultery, for debating of great affaires, as Heresies, Superstition.

If

If anybe ſuſpected, or if there be any ſcandal in their bounds, proceeding alſo with the Cenſures of the Kirke againſt them, that all Tranſgreſſors may bee brought to repentance, or ſeparated from the people of God, according to the Ordinance of Chriſt, and order of the Kirk: here alſo the Deacons, who have the charge of the poor, are preſent to receive directions in ther duty.

The Presbytery or Claſſicall meeting doth conſiſt of particular Kirkes in ſuch a Circuit, 12. 16. 20. or ſo many as to the convenience of the place can weekly aſſemble: here ſome one Elder of each Pariſh, appointed by the particular Kirke Seſſion, and the whole Miniſters of theſe Kirkes, doe meet with the Miniſters and others to be admitted into the Miniſtery, whom we call Expectants, exerciſe their gifts by courſe, in interpreting ſome place of Scripture appointed them by the Presbytery: the exerciſe of Propheſying being ended, the Miniſters, and Elders ſit downe with their Moderator, and after prayer and cenſure of the Doctrine, they uſe the power of Juriſdiction, Ordination, Suſpenſion, Deprivation, Viſitation of Kirks, Tryall of the Proceſſe of Excommunication deduced by the particular Elderſhip, and of direction to the Miniſter of the Pariſh to excommunicate, if need be: here the ſcandalous faults of Miniſters in doctrine or life are debated, and all perſons whatſoever quality, diſobedient to their owne Miniſters and Elders, are with great Authority cenſured.

Provinciall Synods doe conſiſt of the whole Presbytery in a ſhire or Province, ſo that the whole Kingdome is divided into ſhires and Provinces, in relation

to these Synods; here all the Ministers, and one Elder from every Parish, do meet twice in the yeare: and after Preaching, and calling upon the name of God, by the moderation of the preceeding Synod, a new moderator being chosen, they try the Presbyteries by the Records presented by the Clarke of every Presbytery, what was obscure or difficult for the Presbyteries, or might concerne them all in common, is determined and ordered: and if any difficulty arise, which doth not fall under some Kirke Constitution, it is referred to the nationall assembly. All matters are with such diligence expedited, that each Minister may returne to his charge on the Lords day.

In the generall or nationall assembly, the Kings Majesty in person, or his Commissioner in his place, useth to be present, who convene once in the year, or oftner, *pro re nata*, it doth consist of Ministers and Elders from each Presbytery, and regall Buroghs. After solemne humiliation the first day of the Assembly, one of the Ministers is chosen, by the voyces of the whole assembly, to moderate and preside in the assembly: the records of the Synods are perused and tryed, Acts and Constitutions for all the Kirkes are agreed upon with common consent, and all mens doubts and scruples concerning these, are satisfied to the full, if they be proponed *animo edificandi*, *non tentandi*, Appellations, Petitions, Grievances and Complaints, are examined, and detetmined by this supreame and highest Kirke-judicatory, and some Commissioners to present Grievances, or Petitions, agreed upon in the assembly, to the Parliament, the King, the Councell of the Kingdome, or conventions of Estates.

In this Authority and subordination of Sessions, Presbyteries, provinciall Synods, nationall assemblies,

doth consist the order, the beauty, the strength of the Kirke of *Scotland*, comfortable to the godly, both Pastors and professors, and terrible as an Army with banners, to Papists, be their places never so high, to all Hereticks, Schismaticks, Hirelings, and all ungodly men; no scandalous fault of any person escapeth censure, no heresie or errour can sooner be hatched, but it is presently crushed by some of these inferiour assemblies; or if it be kept on foot, or take strength, it is quite suppressed by the nationall assembly, convening once in the yeare, which hath bin a main cause why so few sects or errours in doctrine or worship, hath appeared in the Kirke of *Scotland* for many yeares · and whereſoever these assemblies have place, power and liberty, the names of heresies and sects have not almost bin heard. In these assembles the particular Kirkes are not governed by the intrinsecall power of any one, or many set over them, as in the monarchiall government of Prelates: but they are ruled and judged by themselves, and their owne intrinsecall power, each member of the whole body in an ordely way; none of the whole communion of the faithfull being barred from the joynt and common government. By these assemblies the gifts, the knowledge, and the zeale of all the members, especially of the Ministers, are stirred up, quickned, increased, and strengthened, and holy emulation is exited by acquaintance, conference, and by perceiving the gifts one of another: and the best gifts are knowne from the planting of Kirkes and Colledges; whence it is, that Ministers returne from these Assemblies, ashamed and humbled in themselves, and furnished with fresh resolutions for every pastorall duty, for the common benefit and edification of all the Kirkes.

FINIS.

THE EARLE OF BEDFORDS Paſſage to the Higheſt Court of PARLIAMENT,

May the ninth, 1641. *about tenne a clocke in the morning.*

Obſerved by his Lordſhips Phyſitian *Doctor* GADEMAN.

LONDON,
Printed for *Hugh Perry*,
1641.

THE EARLE OF BEDFORDS PASSAGE to the higher Court of Parliament.

VPON the ſad newes of the death of Maſter *Francis Ruſſell* at Paris, his father my moſt honoured Lord of Bedford, told me, that foure faire Oakes of his, were lately blowne downe as it were altogether; of which ſubject my Lord made ſo moving a diſcourſe, as it ſeemed to mee their extirpation tooke deepe roote in his thoughts. Shortly after my Lord ſent for me againe, and then complained that he found his owne health ſomewhat ſhaken: wherefore to leſſen the maintenance of a future ſickneſſe, he deſired to reſume a vomit, which the laſt yeare had

gently cured him of a churlish sickneſſe in the Countrey: but in this, both my Lord and my ſelfe were willing to aske the counſell and conſent of D. *Craige*, as well a true friend as a faithfull Phyſitian to his Lordſhip. Hee finding him the next day in a feverish diſpoſition, inclined to the letting of his Lordſhip bloud firſt, which as it was learnedly propoſed, ſo it was preſently executed. Afterwards, ſeeing my Lord continue ſicke by an oppreſſion of choller in his ſtomacke, conſented to give him his vomit. When that had done working, as it often happens, nature being diſcharged of one burden, her ſelfe ſhakes off another, like *Gallens* Aſſe, that was too weak to winch off two ſackes, would never beare one; there flouriſhed in divers parts of his skin ſome red ſpots, which my Noble Lady *Brooke*, my Lords daughter, and Maſters *Roberts* his diligent ſervant firſt obſerved, whereupon my Lord, who ever conſidered others ſafety before his owne content, with extraordinary earneſtneſſe forced

ced his deare Lady and Children much against their will to leave him.

This yeare has beene fertile of wonders, many ſtrange eruptions have beene made in the skin that have deſembled the ſmall poxe when it proved otherwiſe, even to the deceiving of the beſt Phyſitians, no diſhonour to the profeſſion.

The cleereſt knowledge of mankind is clouded with errors in all imployments. *An medicina ars non putanda eſt quam tamen multa fallunt.*

My Lord being thus parted from his deareſt Lady and children, as a tree without a barke and branches;

Out of the great zeale the influence of my Lords favours to me, had kindled in my heart, put me into paſſion, which if it makes us blinde and unable to ſee things preſent, much more it does obſcure things farre off, and to come. All that I could doe for that time to comfort my Lord and my ſelfe, was to ſay, I believed it was but a ſimple boyling of blood, which he had often formerly had,

and had neither the infection nor the perill of the small poxe. I endeavoured to be very cheerefull with him; having ever found that the speeches of the Physitian, as good and bad aspects to governe and raigne much in the hearts and thoughts of the Patients, and much more with their passions, highten, or lessen the power of their sickenesse

Some recover of the Plague, because they never knew they had it, others dye of a fit of an Ague, because they thought it the Plague: alwaies the small poxe comes soonest out, when tis not thought of within, to the greate security of them that have it: for amongst all good signes in that disease, that is the best, that they breake forth together and quickly; howsoever all exanthemata and eraptions to the skinne require the same cure and government, except some are pursued and chased out with lesse severity.

There are plants thrive best in the shades, and others better upon any hills;

my

my Lords body was ſo ſubtile as he could ſcarce indure to bee covered up a whole night in his bed.

We can rake up coales in their embers, but flames never.

A faithfull ſervant of his told me, hee was ſo weary of his bed, as hee feared it would bee his grave, by theſe words, *I foole away my life to obſerve the Phyſitians*; and in my hearing, when hee was denied to riſe, he ſighed out this profeſſion of obedience; *well then I will die to obſerve the Phyſitians.*

If I were now upon my death bed, and to declare what my Lord died on, I ſhould ſay hee died of too much of his bed, and not of the ſmall pox: till Saterday-night I am ſure hee had no ſigne of danger, as I am ſure that then there was no hope of life; nature having given over the field to devotion, which came in ſo armed & ſo invincible as I never yet ſaw the like, though I haue waited upon many who had no other buſineſſe of life then to die well, his breath was ſpent before

fore his eies and hands ceaſed to be lifted up to heaven, as if his ſoule would have carried his body along with it.

Thus though hee commanded his body to bee buried with decency, but not pompe, yet I could not but publiſh the glorious manner of his death.

Thoſe that knew the obligations I had to this great and good Lord, will I preſume pardon,

His Lordſhips conſtant honourer

T. C.

FINIS.

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NEVVES FROM ROME.

OR

A Relation of the Pope and his Patentees Pilgrimage into Hell, with their entertainment, and the Popes returne backe againe to ROME.

With an Elegiacall Confabulation betweene DEATH and HONOUR.

A Lecture which may be read to the greatest Monarch in the world.

Printed in the Yeare
1641.

NEVVES
FROM *ROME.*
OR
A Relation of the Pope and his Patentees Pilgrimage into Hell, with their entertainment, and the Popes returne backe againe to ROME.

THe *Stigian* King for honour to his Court
Now ſits in ſtate, delighting in the ſport
His Furies make him, but they had not long
Practis'd their helliſh Gambolls, when a throng
Of unknowne gueſts were ſeene, *Pluto* 'gan frowne,
Their Leader did not vayle his triple crowne;
Then with a contract brow he thus beſpake,
Cannot our frowne make this ſame vaſſall quake.
Then fell the Pope upon his bended knee,
And cryes, how fares your gracious Majeſtie.
At length looking about he doth there ſee,
Sterne *Rhadamanthus*, with the Furies three;
Three-headed *Cerberus*, then he doth ſpy
Ixions wheele, and *Theſeus* miſery.
All ſtanding round about him, as to heare
Some unknown matter, his ſpeech was ſtopt by
At laſt forgetting feare, he lowd doth call (feare.
Unto his God for juſtice, that the Hall

Did ring with Eccho, making his complaint
Againſt the *Engliſh*, till he grew quite faint.
At length he thus proceeded, and did ſay
They ſcorne my ſervants, and me diſobay.
But ſome there are who to me faithfull were,
But they are gone, th'are fled I know not where.
My *Goldfinch*, *Windebanke*, my *Suckling* young,
Who could ſo well pray in ovr Roman tongue;
Are gon for feare of chiding, O they would
Have elevated me, if that they could.
My chiefeſt Prelate there they keepe in thrall,
Who ſtands in feare to ſmell the Judgement hall.
My Iriſh King is dead, he would be ſo,
But O my friends doe fall, ev'n by my foe.
Now having finiſht, he aloud doth call
Unto his patent friends, that they ſhould fall
Each on his knee, preſenting each his gift,
Thinking to gaine great favour was his drift.
The firſt Tobacco in a pipe well ſtuft
Preſents to *Pluto* (after it was puſt)
Which when the black *Tartarian* god did ſmell,
He fretted, fumed, and ſaid, Is not Hell
Stored enough with baſe ſulphurious ſmoke,
But you muſt thus conſpire me here to choake;
Is not our perſon ſtored with fumes enough,
That you muſt here preſent us ſuch a ſnuffe;
Baſe Varlet, with Heatheniſh Indian weed,
I preſent, I abhorre, and for this deed,
I doe exile thee, never to come neare
Our Court againe, without continuall feare;
I ordaine to that faire *Elizians* field,
Nor joy nor comfort to thee ere ſhall yeeld;

But thou with *Tantalus* ſhalt ſtand, and thirſt,
For thou from henceforth ever art accurſt.
Tobacco gone, no longer it muſt ſtay
But like a chimney ſmoke vaniſh away.
Then down falls Soap, thinking cleane out to waſh
Tobacco's ſtaine, but ſterne *Megæraes* laſh
Doth force him up, the Pope doth weep to ſee,
Soap larders out of *Plntoes* companie:
Then *Bacchus* friend upon his knee doth fall
Preſenting that which bitter was as Gall,
The price of Wine I meane, but *Pluto* he
Foreknowing of his plots his ſigne would ſee;
Then of his pocket paper out he drew,
Wherein pourtrayed was in lively hue
The forme of couzenage, about her ſtanding
Seven-penny pint pots as new landing
On *Engliſh* ſhore: In her face did he ſee,
The true effigies of a Patentee:
At length the Wine he did entend to taſte,
Which ſtunke of Horſefleſh, then was *Pluto* paſt
The bounds of patience, and to all did ſweare,
The firſt Inventer on't ſhould looſe an eare.
He was incenſt ſo far that he did vow
That he hereafter never would allow
Such wicked doings, he wiſhed theſe knaves
Had long agoe been buried in their graves.
If he meant *Abell* now I cannot tell,
I will enquire the next Poſt comes from Hell;
Yet *Abels* ſacrifice was firſt accepted
When wicked *Cains* his brothers diſreſpected.
Then did all other Patents kneele together,
But chiefeſt notice taken was of Leather,

Which to a Coach transformed was not ſhooes,
Wherefore for him the Furies made a nooſe,
And hung him out a tanning, but the Pope
Being tormented, was quite out of hope
In Hell to gaine redreſſe for's miſeries,
Wherefore with ſpeed to curſed Rome he flies,
Without his Patents, *Charon* would not row
Such damned friends, to all the world a foe:
They are in Hell, and there let them ſtill lie,
Who were the cauſers of much miſery:
Jeſuites are angry becauſe thus I write,
So let them be, theſe lines I doe endite
Onely to them, and each cloſe ſhaved Fryer,
Whom Hell much wants to kindle *Plutoes* fire:
My Muſe is weary of ſo black a theame,
Wherefore ſhees flowne unto her ſiſters ſtreame,
To cleanſe her ſelfe, Ime ſure anon againe
Shee will returne, then Ile write better ſtraine.

An Elegiacall Confabulation
BETWEENE
DEATH and HONOUR.

A Lecture which may be read to the greateſt Monarch in the world.

H: WHat horrid Monſter 'iſt which I doe ſee,
D: One that is come to make a coarſe of thee:
Nay, frowne not Honour, thou muſt me obay;
H: What art thou ſlave, which dar'ſt to me thus ſay!
D: My

D: My name is death, *Hon:* Death thy ſelfe enlarge,
Tell me thy nature, office, and thy charge.
D: For to declare to thee ſuch things are vaine,
I am triumphant, and demands diſdaine
Of greateſt Monarchs, Death ſtands not in feare;
Than know proud Honour, Death will never ſpare.
H: Baſe Fiend, what art thou which to me doſt talke?
Tell me, what art thou? or elſe quickly walke.
D: Alas poore elfe, doſt thinke to conjure Death,
Thou canſt not, therefore come yeeld up thy breath.
H: Honour yeeld breath, pray tell me unto whom,
D: To Death, therefore with ſpeed prepare thy Tombe.
Honour is vaine, 'tis mortall, quickly gone,
This my keene dart ſhall force the proudeſt groane.
Then Honour ſhake off pride, and avoyd luſt,
Higheſt of honours muſt humbled be 'ith duſt.
H: How Honour humbled? an example ſhow
Then of thy power ſufficient I ſhall know
D: I am content thy pleaſure to fulfill,
Example I will ſhew, then know my skill.
Had not Lord *Wentworth* honours? yes tis true,
Who dare deny it, by valour he it drew,
His wiſdome unto after ages ſhall
Renowned be, and live perpetuall.
D: What is true valour, *Hon:* to overcome 'ith field,
D: But Death doth force greateſt Commanders yeeld.
H: Since Guns and Rapiers firſt invented were
Faint-hearted mortalls, of Death ſtood in feare.
D: Never before did Honour yeeld to me,
H: Never true Honour alwaies ſcap't ſcot-free.
D: Honour thou lyſt, I am ſure ever yet,
Death ruld the roaſt, man onely turnd the ſpit.

But

But yet Ile reall be, Cœlick Honour
Is fearleſſe ſtill, though Death diſplay his Banner.
But as for ſuch it deſcends from above,
In man infuſd it is by heavenly *Jove.*
But yet they die which reall Honour have,
And yet their fame ſurvives, they being in grave.
Thoſe which for terrene honours gape and call,
By ſoaring high oft-times doe catch a fall.
Now anſwer *Honour*, tell to me thy minde,
Where like to Death another canſt thou finde:
What ſilent *Honour*, dar'ſt thou not reply?
Anſwer me quick, this Dart muſt make thee die.
Hector that worthy Prince of famous Troy
I overcame, and with him *Priams* joy.
Theſe greateſt honours had, they Worthies were,
And yet to ſtrike them did not I *Death* feare.
Then ſay no more, that I am too too cruell,
The Fates command that we ſhould fight a duell.
H: O hold, hold *Death*, to thee doth *Honour* yeeld,
Conquer'd I am, to thee belongs the field:
Thus world adue, farewell yee mortalls all,
Shrubs may ſtand faſt, when talleſt Cedars fall.

T. B.

FINIS.

DE SEPULTURA.

By

Sr HENRY SPELMAN, KNIGHT.

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DE SEPULTURA.

AS it is a worke of the Law of Nature and of Nations, of humane and divine Law, to bury the Dead; ſo it is to adminiſter that which neceſſarily conduceth to it, the *Place* and *Office* of *Buriall*. If man were ſo impious as not to affoord it, the earth to his ſhame will do it: ſhee will open the pores of her body, and take in the bloud; ſhee will ſend forth her children, the worms, to bring in the fleſh of their brother; and with her mantle, the graſſe, as with a winding-ſheet, ſhee will enfold the bones and bury all together in her owne boſome. Men (in paſſion) refuſe oftentimes to doe it to their enemies, to wicked perſons, and to notorious offenders; but ſhee, as a naturall mother that can forget none of her children, doth thus for them all both good and bad; teaching us thereby what wee ſhould doe for our brethren,

Gen. 4. 11.

Lucan ſpeaking to *Cæſar* touching them hee left ſlaine in *Pharſal.* lib. 7. pa. 7. 161. *Nil agis hac ira, ta-beſne cadavera ſolvat, An vo-gus, haud refert; placido natura recepta: Cuncta ſinu, finemq; ſui ſibi corpora debent.* So likewiſe that of *Mecænas*—*Sepulit natura relictos.*

brethren, and branding thoſe with impiety that anſwer with *Cain, Am I my brothers keeper?*

The drift of my ſpeech tendeth to the reproofe of a cuſtome grown up amongſt *us Chriſtians*, not heard of, I ſuppoſe, among the *Barbarians*, *Selling of graves and the duty of buriall*; wherein I deſire a little libertie to expreſſe my ſelfe ſomewhat at large, as beeing one of the motives that led mee the rather to this diſcourſe.

There ſeemeth if not a warrant, yet a preſident for it in the booke of *Geneſis*, Chap. 23. where *Ephron* ſelleth a burying place to *Abraham*, but St. *Jerome* cenſureth *Ephron* verie hardly touching that matter, even as though hee had committed ſome point of *Symonie*, or of great impietie; and ſaith, that for this taking of money for the burying place, *O*, the letter of perfection was ſtruck out of his name, and that in ſtead of *Ephron*, which ſignifieth *perfect*, hee was afterwards called *Ephran*, that is *unperfect*. The Scripture I confeſſe maketh no ſuch mention, nor *Joſephus*, nor any other ancient that I can finde: I blame not therefore *Calvin* that hee accepteth it not, but for that hee ſleighteth that noble Father ſo lightly as to terme it a very toy. I hold *Calvin* much inferior to *Auſten*, yet *Auſten* profeſſed himſelfe inferior to *Jerome*: what warrant *Jerome* had for it I know not, all men take him for no Impoſter; I ſuppoſe (and ſo might *Calvin*) that hee had it from the *Rabbins*, becauſe hee entitleth that booke of his *Quæſtiones et traditiones hebraicæ in Geneſin*: but all

Meras nugas.

are

are not of *Calvin*'s minde, many of the Fathers and Councels do well accept it.

For my own part, I incline with *Calvin* to the excuſing of *Ephron*; for both hee and the *Hethites*, as though it were againſt nature to take any thing for burying of the dead in their ſoile, gave *Abraham* free libertie, not onely to bury, but to do it where hee would, even in the chiefeſt of their Sepulchres. This contented not *Abraham*, he would not onely have *uſufructum rei*, the fruition of buriall, but *dominium loci*, the inheritance of the ſoile it ſelfe. To ſell this I ſhould thinke it lawfull, though not the other in any caſe: lawfull to ſell the Patronage of a Church, not the Preſentation, Inſtitution, or Induction. *Pretium loci in quo humandus eſt*, a man may take by the civill law, but there was a neceſsitie that *Abraham* muſt have the very ſoile proper and ſolely to himſelfe: for the circumciſed might neither dead nor alive mingle with the uncircumciſed, as at this day the Chriſtians not with Infidels, the Faithfull not with Heretiques or Excommunicate perſons. In this alſo *Ephron* was content to ſatisfie *Abraham*, and whereas hee requeſted no more then the cave of *Meſchepelah*, *Ephron* not onely granted him the cave, but the whole field alſo wherin the cave was, and that as a free gift, if *Abraham* would ſo accept it; but *Abraham* refuſing to have it by gift, bought the whole field and by right of appendencie had the cave with it. Nothing in all this do I ſee but nobleneſſe and bounty in *Ephron*, nor any juſt impediment

F. de relig. & ſumpt. funeral. funeris.

ment why hee might not at first have demanded the price of the field, much lesse why hee might not take it, beeing pressed upon him, aswell as *Araunah* tooke more money of *David* for the threshing floore, where hee was to build an Altar and to sacrifice unto God. All this notwithstanding, because the scope of the money taken by *Ephron* was for buriall of the body that then wanted it, and not for the soile of the field, but for the Sepulchre, as Saint *Stephen* testifieth, *Jerome* utterly condemneth it, and the rather (perhaps) for that *Adam* and *Eve* were said to bee buried there, for of such monuments hee was somewhat curious.

Act. 7. 16.

Yet did hee not so much reprove this taking by *Ephron*, as the vice and sinne of our time in requiring and exacting money for buriall, which beginning then to creepe into the world, gave the Church a just occasion both to censure and condemne it by many Constitutions, Canons and Decrees; whereof I will recite some, which I conceive are at this day in force (as touching the substance of them) in our Church, though neglected and not observed by our Church-men.

Canon 1.
Ian. 7. Epist. 53. et simile ibid. Epist. 4. ad Mes. Salinum Episc.

Nereida a noble woman complaining to *Gregory* the Great, that *Januarius* the Bishop of *Sardina* blushed not to require a hundred shillings for the buriall of her Daughter; *Gregory* by a decretall Epistle to him, saith, Wee have utterly forbidden this vice in our Church, and do not suffer so bad a custome should in any case bee usurped. If *Ephron* a Pagan

a Pagan were ſo conſiderate as to refuſe it, how much more ought wee to doe it that are called *Prieſts*? We therefore admoniſh, that from henceforth none attempt this vice of covetouſneſſe in any Churches. But if at any time you permit any to bee buryed in your Church, and that his next kinſman or heires will of their owne accord offer any thing for lights, wee forbid not that to bee taken; but to exact or aske any thing, wee utterly forbid, leſt that (which were moſt irreligious) the Church peradventure might bee ſaid to bee ſold (which God forbid,) and you alſo to ſeem glad of mens deathes, if you reape any commodity out of their carcaſes.

But a blow or two could not kill this ſerpent, for iniquitie hath many heads. Some, as it ſeemeth, in the Councell of *Tribury*, *Anno* 899. made a queſtion, *utrum terra cœmiteriata vendi poſſet pro Sepultura?* whether money might be taken for graves in the Church-yard? The Councell anſwer'd No. *In Eccleſiaſtico namque &c.* for it is written in *Eccleſiaſticus*, *Deny not courteſie unto the dead, for wee all ſhall dye*: And againe, *All things that are of earth, doe returne to earth.* Earth, why ſelleſt thou earth? Remember that thou art earth, and ſhalt goe to earth, that thou muſt dye, and that death is comming towards thee and lingereth not. Remember that the earth is not mans; but, as the *Pſalmiſt* ſaith, *The earth is the Lords, and they that dwell therein.* If thou ſelleſt this earth, thou art guilty of invading the goods of another. Thou haſt received it freely *Canon* II.

from God, give it freely for his ſake. Wee therefore abſolutely forbid all Chriſtian people to ſell earth for the dead, and to deny buriall due unto them, unleſſe the kindred or friends of the dead perſon, in the name of the Lord, and for redemption of his ſoule, will of their owne accord give any thing.

Canon III. The Councell of *Nans* recited by *Burchard*, and the Councell of *Varens al Vaſens* delivered by *Gratian*, do both in the ſelfe ſame words thus condemne it: *Præcipiendum &c.* It is to bee commanded (ſay they) according to the authoritie of the *Canons*, that for graves and the buriall of men no reward be exacted, unleſſe hee that is dead did whileſt hee lived appoint ſomewhat of his goods to be given to the Church, in the yard whereof he is buried: or that thoſe to whom the beſtowing of his Almes, after his death, is committed, will out of their own accord give ſomewhat of his goods; but nothing may in any caſe bee exacted by the *Prieſts* there, or by them that have the government of the place. It is alſo to bee commanded according to the Conſtitutions of our Elders, that none upon any caſe bee buried in the Church, but in the yard, porch, or vaults of the Church, &c.

Canon IV. The Councell of *Toures* under *Alexander III. cap. Non ſatis*, ſaith, For Sepulture and for receiving Uncture and Oyle, let no man attempt to exact any kinde of reward, nor to defend his offence therein by colour of any manner of cuſtome; for the length of time doth not diminiſh ſins but encreaſeth them.

It

It is true that all theſe were no more then Provinciall Synods and Conſtitutions, yet their judgments did determine this point to bee a grievous ſin, and ſeemed to bee ſo orthodoxall, that they ſince are taken into the body of the common Law, and now as powerfull, generall, and obligatory, as the other parts thereof. But wee will riſe higher and ſee what generall Councels have conceived and decreed herein.

The twelfth generall Councell, wherein both the Churches, *Greeke* and *Latin*, were aſſembled by the ſame *Alexander* at *Lateran* in the year 1180. *cap. Cum in Eccleſiæ corpore,* ſaith, The buying and ſelling that is reported to bee in ſome Churches is too horrible; as that ſomewhat is required for inſtalling Biſhops, Abbots, and all kinde of Eccleſiaſticall perſons in their ſeates; for inducting Prieſts into their Churches, and for ſepulture and funerall rites, for benediction of the married couple, and for other ſacraments: verily many think it lawfull, becauſe they ſuppoſe the law of cuſtome hath got authority by long continuance; not conſidering that offences are ſo much the more grievous, by how much the longer they have enſnared the wicked ſoule of man. Therefore, leſt theſe things ſhould be done hereafter, *Wee* ſtraightly forbid any thing to bee exacted either for conducting of Eccleſiaſticall perſons to their ſeats, or for Inſtitutions of Prieſts, or buryall of the dead, or benediction of them that marry, or for other Sacraments, either conferring, or collated. But if *Canon* V.

any man ſhall preſume to doe the contrary, let him know that hee hath his portion with *Gehezi*; that is, that he ſtandeth accurſed, and, as the gloſſe interpreteth it, that hee is a Symoniſt.

Canon. VI. *Circa an.* 1198. The next generall Councell, a very great one in the ſame place, under *Innocens* the third, continueth the ſame prohibition touching buriall-fees: but becauſe the former bridled the Clergy in taking that was not their due, this curbeth alſo the perverſeneſſe of the Laity, in with-holding their juſt duties: the words be theſe, *Ad Apoſtolicam, &c.* It is common to the Apoſtolick eare by frequent relation, that ſome Clerks, for the buriall of the dead, and bleſſing the married couple, doe exact and extort money: and if it chance that their covetous deſire bee not ſatisfied, they fraudulently alledge ſome feigned impediment. On the other ſide, ſome lay-men, levened with hereticall pravity, under the pretence of canonicall piety, doe endevour to break a laudable cuſtome brought into the Church by the godly devotion of the faithfull. Hereupon wee forbid all exactions to be made, and command all godly cuſtomes to bee obſerved; that Eccleſiaſticall Sacraments be freely conferred: but that they which maliciouſly endevour to change a laudable cuſtome, may upon knowledge of the matter be ſuppreſſed by the Biſhop of the place. Note, that the cuſtomes protected by this Canon muſt be godly and laudable.

Can. VII. As for the Canon *Abolendæ*, which aimeth chiefely at thoſe, who, like the Monks of *Mount Peſſulan*,

Peſſulan, will not ſuffer the ground to be broken before they be paid for the grave, I purpoſed to paſſe it over, ſuppoſing none that ſerveth in the houſe of God to bee ſo covetous or cautelous, as not to ſtay for his money till hee had delivered his ware: But in the meane time, a complaint was brought unto us of a Church-man(ſince deceaſed)and his Clerke, that came together to the houſe of one of their Pariſh, who was then newly dead, and ſpeaking with the Executors, would not ſuffer the body to bee brought out of the houſe, till hee had 14. l. paid to him and the Pariſh Officers, according to a bill of particulars then ſhewed unto them: nor could the Executors compound with them for any abatement more then ten ſhillings in the Clerkes ſhare, and paid them thereupon 13. l. 10. s.

Againſt ſuch, amongſt other, is this Canon under the Rubrick, *Terra cæmiteriata pro ſepultura vendi non debet*, in theſe words, *Abolendæ conſuetudinis perverſitas, &c.* There is growne up (as is reported) a perverſe cuſtome that muſt be aboliſhed at *Mount Peſſulan*, where they will not ſuffer the grave to bee digged open for them that die, till there bee a certaine price for the ground, wherein they are to be buried, paid unto the Church. *Wee* command, that you, being Biſhop of the place, doe prohibit the Clerkes from exacting any thing at all in this caſe. The complaint was for exacting of money before the grave was opened, but the Canon forbiddeth it both before and after. *Nota* (ſaith the Gloſſe) *quòd pro terra in qua ſepeliendi ſunt defuncti, nihil eſt exigendum.*

gendum. Decretal. Gr. l. 3. Tit. 39. de parochiis c. 13.

I might, as the phraſe is, *girando Canonum volumina*, produce many other Authorities whereby this ſin is vehemently impugned and cryed downe: but I will not plough with an Oxe and an Aſſe together; I will not joyne thoſe Conſtitutions, which for the moſt part are *National* and *Provinciall*, with theſe I have recited, being generall, either by their birth, as ſpringing from generall Councels, or by adoption, as taken out of provinciall Councels and Decrees into the body of the Canon Law, and made thereby as generall and obligatory as the reſt: for all theſe together, with all other parts of the Canon Law, as they have beene heretofore in uſe, and that are not repugnant to the Lawes and Religion of the Kingdome, or repealed by the Statutes of *Hen.* 8. or of later time againſt Papall uſurpation, are ſtill in force, as I conceive, and as was lately ſeen in two great caſes, wherein every corner of the Canon Law, as well remote as obvious, ancient as the later, were ſearched out either *pro* or *contra*. As for the 32. Commiſſioners that by the Sat. of 25. *H.* 8. *cap.* 19. & 3. *E.* 6. *c.* 11. ſhould have pruned the Canon Law, and cut off the unneceſſary branches, nothing was done thereupon, ſo that it ſtill remaineth as it was before. But admit that neither theſe, nor other poſitive Conſtitutions extended to our Miniſters, will they not bee a law unto themſelves, and abſtaine from that which is declared to bee wicked and unjuſt by ſo many godly men, ſo many Fathers, Councels, and Decrees of the Church?

25. H. c. 8. 19.
27. H. 8. c. 15.
35. H 8. c. 16.
3. Ed. 6. ca. 11.

A booke was prepared, not finiſhed or eſtabliſhed.

Let us then conſider the Councels and Canons that

that wee have recited; and ſee firſt, what opinion they have of money taken for burialls: and ſecondly, how they cenſure and decree touching it.

Firſt, for their opinion, they declare it to bee a *vice*, a *vice* of covetouſneſſe, a bad cuſtome, that may bee ſaid moſt irreligious, as a ſelling of the Church, a cauſe of joy to the Parſon when men dye, and a reaping of commodity out of carcaſſes of the dead, and ſorrow of the living *Can.I. Greg. ad Januar. Regiſt. lib.7. Epiſt.55.*

2. A diſcourteſie to the dead by him that muſt dye, a ſelling of earth by him that is earth, a ſelling of that is none of his owne, a ſelling of what was given freely to give freely, a denying of buriall. *Can.II. Concil. Tribur.*

3. A thing too horrible, that bringeth the portion of *Gehezi* upon the offender, that is the brand of Simony, as the gloſſe expoundeth it, a curſe, an uncleanneſſe, and cauſe of ſeparation from common ſociety. *Can.I'. Concil. general. Lateran.*

Laſtly, as maladies are the moſt grievous and contagious that continue longeſt: ſo they conclude this to bee ſo much the more grievous, by how much the longer it hath continued; and declare it to bee *abolendæ conſuetudinis perverſitas*, the perverſity of a cuſtome is to bee aboliſhed. *Can.V'II. Concil. Turon. Can. V'. Concil. generc. Lateran. Can.V'II. Decr. d.3.& 28.c.13.*

I am loth to uſe theſe heavie termes of aggravation; yet they proceed not from mee, but from the Clergie themſelves againſt the Clergy themſelves, from the body againſt a member, from the Fathers, the Doctors, the Decrees of the Church, and great generall Councels, againſt ſome private, particular nd incorrigible offenders.

The ſumme of their cenſure and decrees is this,

1. That nothing bee exacted or required for any ſepulture:

Cap. Abolendæ ver. Sepultura, col. 1207.

ſepulture; which word the gloſſe declareth to comprehend the ground or place of buriall, and the miniſtery of the Prieſt or Parſon about the ſame. And in ſome of the Canons it is particularly ſo expreſſed.

2. That all cuſtomes for ſuch taking, are evill, impious, and voyd.

3. That the offence in taking is Simony.

4 That the cogniſance thereof belongeth to the Biſhop of the place.

5. That gifts of pietie for uſe of the Church, may notwithſtanding be taken.

6. That none ſhould bee buried in the body of the Church.

There is a fiction that *Achelous* fighting with *Hercules*, and not able to reſiſt his force, ſhifted himſelfe into divers formes, thereby to illude it. So the Canoniſts try many evaſions to help their Maſters of the Clergy in this point of taking, by diſtinguiſhing the places of buriall, the perſons that take, the time of taking, and the manner of demanding.

Of the place.

For the place, they ſay there bee three ſorts, *Locus purus*, *Locus religioſus*, and *Locus ſacer*: according to the civill Law, *locus purus* is that which is more ſecular ground, never uſed for buriall, nor having any kinde of conſecration. To this they ſay the Canons doe not extend, for that it is ſome private mans; and the owner, if hee will, may take money for a grave there; for, *Nemo tenetur de ſuo beneficium facere*, No man is tyed to give his ground to a charitable

Locus purus.

Decr. Greg. cap. Abolend. ver. Sepultur. And *Grat. Cau.* 12. *q.* 2.

charitable uſe. *Locus religioſus* is that which is aſſigned to ſome office of Religion, and nominately where the body of a dead perſon hath been buried. For by the very buriall of that body, the nature of the ſoyle is changed from ſecular, and, in reverence of this new function, counted to bee religious; and now therefore by the Canons nothing may bee taken for any more graves there. Some ſuch places (I ſuppoſe) are about this City adjoyning to Church-yards, for enlarging thereof, and ſome of them for which the owners doe take a yeerely rent of the Pariſh that uſeth it, letting it unto them to ſow dead mens carcaſſes in, as it were to ſow corne, and as though the carcaſſes ſhould grow up (like the fable of *Cadmus*) and bring them a crop to pay the rent with. This the Canons doe meerely forbid, as doth alſo the civill Law, and Law of humanity, the Fathers, the Councels, and the opinion of S. *Ferome* in the caſe of *Ephron*. *Locus religioſus.*

For mine owne part, I take it to bee a kinde of uſury to let that for money, whereof the hirer can make no kinde of profit. It may be ſaid, that they might have choſen, when they firſt hired it, whether they would uſe it ſo or no; and it is true: but after the thing is done, and the place thereby become religious ground by being made a burying place; now to let it in that kinde, is (I ſay) againſt the Canons. *Locus ſacratus* is that which by the donation of the owner is ſetled upon God and the Church for ſome divine and Eccleſiaſticall ſervice, and then conſecrated thereto by the Biſhop, is thereby *Locus ſacratus.*

ſevered from humane property, as be our Churches and Church-yards; the meere property whereof, which wee call Fee-ſimple, is ſaid to bee *in nubibus*, and *abaiance*, though the Parſon, Patron, and Ordinary, for neceſſities ſake, might make a conveyance of them. But to diſpoſe them, or any part of them contrary to the will of the Donor, the nature of the gift, and the glory of him that is the Supreme owner, (God Almighty) is by theſe Canons Simony, Sacriledge, and extreme impiety. Hereof there muſt therefore bee no buying or ſelling; and in this, no doubt, the Canoniſts are right. Thus much for the *place* of Sepulture.

Of the parties.

Touching the *parties* that take money for the office or miniſtery of buriall, they ſay that the Canons extend not univerſally to all Clergy men, but to ſuch onely as are beneficed, or have penſions for doing the Church duties, or ſerving the cure; not to thoſe which are *ſine titulo, ſine ſalario*, without benefice or ſtipend, and that they may therefore take what they can get; for, *It is not inconvenient* (ſaith the Gloſſe) *that a Clerke ſhould ſell his paines, if hee have not whereon elſe to live.* The reſt of the Clergie they leave under the Canons, yet with ſuch ſhelter, and ſo many ſtarting holes, as the Canons may play upon them, but not hurt them: For as time changeth, ſo they change the caſe, obſerving a difference in taking money before buriall, and in taking after; to take aforehand, they ſay, is utterly unlawfull, for that it implyeth a buying and ſelling by example of Tradeſmen, who firſt take their money,

Nec eſt inconveniens quod Clericus locet operas ſuas, cùm non habeat unde vivat. Decr. Gr. l. 5. 29. *ver. pro exiguis.*

money, and then deliver their ware: but, *expleto officio*, when the duty is once performed, they may take what is voluntarily given them, without danger of the Canons, which wee ſhall further examine in the next Paragraph. Yet marke in the meane time the tenor of the firſt Canon, *Quæſtaeſt: Nereida* complained that the Biſhop *velit exigere*, would exact 100.s. of her for the buriall of her daughter; which complaint muſt needs bee after the buriall, it being in Sardinia, and Saint *Gregory* writing from Rome, or thoſe parts; yet *expleto officio*, the buriall being paſt, *Gregory* would ſuffer nothing to bee taken, no not upon voluntary gift to the uſe of the Biſhop; but for the publick uſe of the Church, as for lights, &c. hee allowed that to be taken that was voluntarily offered, and no otherwiſe. So likewiſe doth the Canon, *præcipiendum*, or third Canon. The ſecond Canon alſo giveth liberty to offer ſomewhat for the ſoule of him that is dead, but nothing to be given for the grave, or buriall ſervice.

Non ergò prohibetur quam liberaliter oblatus bene poſſit recipi ſine peccato, excluſa cupiditatis labe. Jo. de Athon, tit. de Sacram. § 1. v. labe.

The manner of taking is of three ſorts, by exaction, demanding, and voluntary gift. *Exaction* is ordinarily conceived to be a wringing of that is not due from the party, or of more then is due, like the Monks of *Mount Peſſulan*, to refuſe burying of the body till they had their pretended duty: or like them in the Canon *ad Apoſtolicam*, that alledge fained impediments and excuſes to raiſe the market by delaying the buriall: or when the buriall is paſt, like *Januarius* the Biſhop of Sardinia, to urge and inſiſt upon the demand. Theſe no doubt are ſharpe

Of the manner.

exactions; but the word includeth ſmoother courſes: *Lindewode* expoundeth it to require or take *à nolente*, of him that would not part with it. *Calepine* ſaith, that *Lactantius* uſeth it for *convenienter poſtulare*: *John Bellonus*, that *exigere eſt petere, exactio eſt petitio*, and that the *exactores tributorum* were ſo called *à petendis tributis*, which the *Lexicon* of the Civill and Canon Law doth alſo deliver: So that to exact is not onely to wring it from the party, but to demand or require; and to demand or require, is to exact. In this manner the fifth Canon either uſeth them Synonimally, or complaineth of one abuſe in the preamble, or provideth againſt another in the decree. To put it out of doubt, the firſt Canon uſeth both the words, *Peti verò aliquid, aut exigi omnino prohibemus*: We utterly forbid any thing to be either asked or exacted: and it ſetteth *exigi* in the later place, as though *exigere* were leſſe then *petere*; or, as *Lactant.* taketh it, *convenienter poſtulare*. Note alſo, that this Canon was made againſt *asking* or *exacting* after the buriall, as before we have touched.

Tit. Symonia ca. firmit. verb. exigatur. lib. 4. Etymolog. & diviſion. juris univerſi exp. fit. John Calvin ab Table Lexic.

All this notwithſtanding, I muſt truely confeſſe (for I deale with *Argus* and *Briarius*, them that have all perſpicuity and aſſiſtance) that there is no expreſſe word in any of theſe Canons, againſt giving or taking ſimply, though I thinke there bee enough to ſatisfie indifferent judgements. Yet if it bee a defect in them, I have a helpe for it here at home in our own Provinciall Conſtitutions, where, in a Synod at Weſtminſter, aſſembled by *Richard* Archbiſhop of Canterbury, I finde it thus decreed under

under the *Rubrick*, *Ne quid exigatur pro Sacramentis conferendis Ca. Dictum eſt, &c. Wee therefore ordaine, that from henceforth neither for Ordination, nor for Chriſme, nor for Baptiſme, nor for extreme unction, nor for Sepulture, nor for the Communion, nor for Dedication, any thing bee exacted, but that the gifts of Chriſt bee given with free diſpenſation, and let him that doth the contrary bee accurſed.* So that if they muſt be given freely, nothing ſurely muſt bee taken for them, either *ex obliquo*, or by evaſion. *Statuimus ergo ut de cætero.*

It may bee ſaid, they require nothing by way of price for the ground or Sepulture: for the fourth Canon is, *ut nulla cujuſquam pretii exactio attentetur*, but as a reward from the party by way of gratuity. Who knoweth not that *pretium* ſignifieth a *reward*, aſwell as a *price*? and for mine owne part, I doubt not but that the Canon doth ſo intend it: yet, to cleare the point, the words of the third Canon are expreſſely, *ut nihil muneris exigatur*, that no reward be required.

I ſuppoſe by this time the offenders in this kinde have left the plaine field of the Canons, and taken themſelves to their laſt hope and Caſtle of refuge, *Cuſtome* and *preſcription*, where it now reſteth to beat them out. Every man knoweth that evill cuſtomes are in their owne nature to bee aboliſhed; and thoſe that be good, yet if there bee a poſitive law againſt them, they are alſo voyd. The nature of this cuſtome by the collection wee have made out of the Canons, is not onely declared to bee exceſſively bad, but, by the great generall Councell of

Lateran,

Lateran, to bee very horrible, and conſequently to be aboliſhed; but being poſitively againſt the Canon, it is *in ipſo hoc* directly void; though there were no clauſe or proviſion in them ſo to denounce them, yet *ad majorem cautelam*, the fourth and fifth Canons doe expreſſely overthrow that cuſtome, and beſides doe brand it with this note of infamy, *the elder the worſe, and the longer it hath continued, the more grievous.*

The Parſons have now a ſhrewd Crow to pull, for the Canoniſts themſelves will confeſſe all this to be true. What then remaineth with *Achelous, ſeu verſare dolis, ſeu certo occumbere?* *Corax* muſt now help them with a quirke to coſen the Canons, and to ſlide from them, or they are undone. Well, heare *Jo. de Athon*, one of the pole-ſtarres of our Engliſh Canoniſts; *Let him* (ſaith hee) *that asketh any thing in this caſe, take heed to himſelfe; for if hee aske and take it for his duty, or for the ground, or for ſepulture, he is gone, for it is Simony:* And for proof thereof, all alledge ſome of the Canons wee have recited, with divers other, and the opinion of *Hoſtienſis*; and ſaith further, that *a cuſtome will then doe him no good, as appeareth by the Canon of* Otho, which hee is there in hand with, and that of *non ſatis* in the *Extravagant*, by us alſo expreſſed &c. *But* (ſaith hee) *if hee demand it when his duty is done, in this manner, for that every one that dieth, or is inſtalled, hath uſed to give ſo much to the Prieſt or Church, then he ſhall prevaile, and doth juſtly require it.* For confirmation hereof, hee produceth the reſolution

ſolution of *Innocent.* and other Authorities: And that *Hoſtienſis* ſaith infallibly, *that this is true, touching the duty of the Laity towards the Church; in ſo much, as though this exhibition of the Lay men tends to the over-filling of the belly of the Clerks; yet it may bee demanded, as hee noteth in the Extravagants, Tit.* Simony, *ca.* Jacobus: And *Athon* ſaith, *That hee believeth it to bee true, not reſpecting the inordinate gluttony, but the right of the Church,* alledging other Authorities to confirme it. *F.* 1.

To the ſame purpoſe is the opinion of *Lindewode,* the other pole-ſtarre of our Engliſh Canoniſts, and with the ſame words in *part. tit.* Simonia, *ca.* 1. *Sepulture* (ſaith hee) *muſt not be ſold,* and (*citing* 8. *q.* 2. §. *Item queritur per* Jo. *&* Co. *ibi ſequentibus, de ſepult. ca. abolendæ*) ſaith, *that it appeareth there in the text and gloſſe, that in a ſacred place, as in a Church or Church-yard, nothing muſt be required for ſepulture, no nor yet for the office of buriall, as* Bernard *there noteth. And this is true as touching his office, becauſe a Clerk by reaſon of his benefice is tyed unto it. But it is otherwiſe, if hee bee not tyed thereto by reaſon of his Benefice, and ſo that hee doth not contract to have it, for then it is Simony;* (*Extrav. eod. tit. ca. in tantum, ſecundum* Hoſtienſ. *& ca. non ſatis*) *yet the Gloſſe ſaith, in the end of the ſaid chapter,* abolendæ, *that though Clerks may not require any thing for ſuch ſepulture, yet the Laity may bee compelled to obſerve godly and laudable cuſtomes. And marke, according to the note of* Hoſtienſis, *in the ſame Chapter, That hee that requireth to have the cuſtome performed to him,*

muſt

must take heed to himselfe; for if hee demand it for the ground, or for his duty hee is downe, and it profiteth him nothing to alledge a custome (ut dicto capite abolendæ:) *But if hee saith that for every dead body so much hath been usually given to the Priest, or to the Church, then he shall obtaine it: as in ca. ad Apostolicam Extrav. eod. & vide gloss. hic similem* 13. q. 2 §. *Item quæritur.* Linw. *fo.* 201.

Here is a left-hand way to slip by all the Canons, let us consider it. May the Parsons frame their custome as they list? Is it like a *Proteus*, or *Lesbian* Ruler? Are they not tyed to the matter of fact, to the manner and forme of payment? Are Mood and Figure onely University observations? Let them bee well advised in laying their customes so, lest the Jury finde an *Ignoramus*. It hath fallen upon mee to bee an unworthy member of that most noble and most gratious Commission of *exacted fees and innovated offices*, and thereby to have notice by certificate of divers Parsons, Vicars, and chiefe Parishioners of most of the greatest Parishes of London, yet none of them hitherto (to my remembrance) have made any such claime, nor know I how they should prove it if they did.

I will stirre no coales, nor prosecute this point any further, for the duty, love, honour, and great observation I beare unto them; but I intreat, with vehemency, that both they and the rest of their coat will thinke seriously of it, and if not alwayes, yet when in their Sermons they justly fall upon the oppressions, extortions, raising of rents, &c. by Landlords

lords and lay-men. For this bird of theirs is a winged ſinne, hatcht of late within this Citie, but crept already into the neighbour Towns, and will ſhortly flye (if the wings be not clipt in time) over all the Kingdome. Oh, let not that of *Jeremy* bee once ſpoken of this noble Citie, *From the Prophets of Jeruſalem is wickedneſſe gone forth into all the Land.* Cap. 23. 15.

As this ſinne, and the Canons lie ſore upon the Miniſters, for taking money for graves in the Chancell, and for their paines in burying the corps whereſoever: ſo doe they upon ſome other, who little dreame of it, the Church-wardens of Pariſhes that ſell graves in the Church and Church-yard like ware in their ſhop, and when they thinke fit, make lawes in their Veſtry for raiſing the price, as they doe in their Halls for the price of their ware. If they looke the third Canon, they ſhall finde themſelves contained there under a faire ſtile, *Them that have the government of the place*, (meaning, of the Church, and Church yard, and Pariſh) ſo that though they bee lay-men, yet by miſuſing the things of the Church, they fall into the ſame offence and penalty reſpectively that Church men doe, and have their portion aſſigned them with *Gehezi*, as in the fifth Canon. I have heard what ſome of them anſwer; That it is no benefit to our ſelves, it is for the good of the Pariſh, for repairing the Church, the Bells, the Steeple, to help out ſome extraordinary charge that falls upon the Pariſh; and if ſome ſmall matter bee ſpent upon

a Pariſh Audit, or a Queſt-houſe dinner, it is an *Agape*, or Feaſt of love, and no man will grudge or repine at that, our Predeceſſors did it before our time, and our Succeſſors will doe it when wee are dead and gone. All is done by an aſſembly of the Veſtrie, by conſent of the Maſters and chiefe of the Pariſh ſubſcribed, and teſtified under their hands. Well, let their Veſtrie on Gods name bee a Conſiſtory for well ordering of the things of the Church, it is fit it ſhould bee ſo; but let it not bee a Parliament, that a dozen or ſixteene private perſons (I will not meddle with their trade or quality) ſhould change or abrogate any ſuperiour Conſtitutions, much leſſe thoſe of Synods and generall Councels, nor to make orders to bind, like a law, the reſt of the Pariſh that conſented not.

What they have uſed to doe time out of minde, I call not into queſtion; but thoſe Veſtries that within theſe thirty yeeres or thereabout, have left their ancient forme, ſupported by a lawfull preſcription, and contrived to themſelves a new ſociety, power, and juriſdiction over the reſt of the Pariſh, countenanced by an inſtrument from the Ordinary, under the Seale of his Chancellor; and (as new things muſt have new names) are commonly ſtiled *Selected Veſtries.* I ſee the Biſhops names are uſed in them, whether their aſſents and knowledge, I am doubtfull. I aſſure my ſelfe their Lordſhips would doe nothing againſt the Law, and I underſtand not by what Law they may at this day erect ſuch Societies, or endow them

them with ſuch Authority as is pretended. But to deale plainely, I thinke thoſe Inſtruments conferre more money upon the Chancellors, then authority upon the Veſtries; for (by thoſe that I have ſeene) the Biſhop or Chancellor granteth nothing to them, but relating that they have conſidered the forme of a Veſtrie deſired by ſome of the Pariſh, they *allow, approve, or confirme it*, and yet no otherwiſe then (with a *Quantum in nobis eſt*) as farre forth as lawfully they may, and no otherwiſe. Nor have they this ſhadow of authority otherwiſe then upon condition, that they ſhall doe nothing that may trench upon the juriſdiction or profit of the Eccleſiaſticall Court. What have they now for their money? Or more (in effect) then if a private man had granted them as much? No doubt, many of the wiſe Pariſhioners doe perceive it, and ſome Pariſhes have renounced it, and are turned back to their ancient Veſtrie: yet neither of them keep their bounds; for the one and the other take upon them not onely to make orders in the nature of by-Lawes to binde their Pariſhioners, but to ſet and raiſe fees and duties of the Church, and Church-Officers at their pleaſure, as appeareth by many Tables produced before us. But ſee what they have gotten that claime their fees or duties by ſuch Veſtry Orders, or unlawfull Authority: for preſcription will not now help them, in ſo much as the originall of their fees appeareth to be by the Table, and the Table cannot defend them, for that the Authours of it had no authority to make

ſuch aſſeſſements, and ſo conſequently they can neither juſtifie the clayming of their fees or duties, either by the one or other; and the Veſtrymen perhaps may bee in danger of an unlawfull Aſſemblie to change Lawes, or to have their offence ſtrained very high, if ſeverity ſhould examine it.

Give mee leave to preſent to you what I finde in a Veſtrie-Conſtitution lately made, and ſubſcribed by the Parſon and Church-wardens, with twenty three more of that Aſſembly, confirmed by the Biſhop, approved by his Chancellour, declared to bee a laudable cuſtome of that Pariſh, and in teſtimony thereof entred (as a ſolemne Act) in the principall Regiſtry of the Lord Biſhop of the Dioceſſe; and finally, ratified with the Chancellours hand and Seal of Office: I may ſay, *vidi, puduitque videre.* But heare the parcels onely touching the Parſon and Church-wardens for the point in hand.

24 Nov. 1627.

Dat. 25. April. 1628.

Whoſoever will bee buryed in the Chancell, ſhall pay to the Parſon as ſhall bee agreed.	ß	₰
For interring the Corps,	10	0

In the Iles of the Chancell.

To the Church-wardens for the ground,	26	8
To the Parſon for interring the Corps,	6	8

In

In the Body of the Church.

	ß	₰
To the Church-wardens for the ground,	20	0
To the Parſon for interring the Corps,	6	8

In the Church-yard.

		ß	₰		ß	₰
To the Parſon for interring the Corps,	coffined,	2	8	uncoffined,	1	4
To him in like manner for every childe under ſeven yeeres,	coffined,	2	8	uncoffined,	1	4

All theſe double of every Stranger.

I meddle not with the Conſtitutions of 4. ℒ. to the Parſon for a Pew in the Chancell, nor of 15. ß. 20. ß. 3. ℒ. 3. ℒ. 10. ß. for places and Pewes in other parts. But theſe and many other of the like ſort fall in one Certificate. In another Pariſh I finde ſix ſhillings eight pence to the Parſon for the duty of buriall in the Church, when himſelfe doth it not, but his Curate, who for his paines hath by the ſame Certificate ten ſhillings more, beſides other ten ſhillings for a Sermon (though there be none.)

But to goe a little backe to the firſt demand, touching burying in the Chancell, which is not definite *in quoto*, but poſitive *ex imperio*, that whoſoever will be buried there, ſhall pay to the Parſon as ſhall be agreed.

It is to bee noted, that here is no cuſtome, and

and conſequently then, whereas the Parſon thinketh the advantage lyeth on his ſide, to take what hee liſt, hee is now excluded by all the Canons from taking any thing at all: For the buckler that ſhould defend them is the Canon *Ad Apoſtolicam*, and the breadth of that extendeth no further then to protect them that fight under a Cuſtome, which alſo muſt bee pious and laudable, otherwiſe it covereth not any. And conſequently, whileſt they ſtand upon termes, and alledge the Chancell to bee their free hold, and that they may as freely diſpoſe it at their pleaſure, as Lay-men may of their lands, they fall into the foule pit of Simony, if they were looked after.

The grave is the onely inheritance that wee are certainly born to, the inheritance which our *Grandmother* the earth hath left to deſcend in *Gavelkinde* among all her children: Shall one enter, and hold another out, or drive him to pay a fine *pro adeunda hæreditate*, as they ſay in the feodall Law, or *pro ingreſſu habendo*, as wee in the common Law? Is our tenure baſe like a copy-hold *ad voluntatem Domini*, and not rather noble by *francke Almoigne*, free from all payments and ſervices? How doe the dead reſt from their labour, if they bee vexed with payments? How goe they to their grave in peace, if they pay for their peace? *Laborat are alieno qui debito tenetur*, and his peace is not worth thanks, if hee muſt pay for it: Hee payeth for his peace, if hee payeth for the place where his peace cannot otherwiſe bee had: Hee payeth for his

Apoc. 14. 13.

his reſt, if hee cannot enjoy it without payment: Hee payeth for his Inheritance if hee cannot enter into it without a fine *pro ingreſſu*; his inheritance ſettled upon him by the great Charter, *Terram dedit filiis hominum*: A royall gift, but as it is uſed, *malè collocatum*, ill diſtributed. The poore man (alas) hath nothing of all this for his portion but the grave, and may not now have that, unleſſe hee pay for it. Well, To whom ſhould he pay? *Reaſon* anſwereth, If to any, to the owner of the ſoyle. True, But the owner of the ſoyle was the Founder of the Church, and hee, out of piety, zeale, and charity, gave the Church freely for Prayer, the Church-yard freely for Buriall, *abſque ullo retenemento*, without any rent, any ſervice, any reſervation. Nor could hee (if hee would) have done otherwiſe, for the Canons would not ſuffer him: Nor though hee were the abſolute owner, yet if hee had reſerved but a pepper corne out of a grave, it had beene not onely voyd, but execrable. A pepper corne? what talke wee of a pepper corne? no ground in the Kingdome is now ſold ſo deare as a grave. That poore little Cabinet, that is not commonly above five foote long, and a foote and halfe in breadth, where there is no roome to ſtirre either hand or foote, and the roofe, as Saint *Bernard* ſaith, lyeth ſo low, as it toucheth the noſe, this ſilly Cabinet is ſometimes in the Church-yard ſold to the pooreſt man for ſixteen pence, ſometimes for two ſhillings eight pence, ſometimes three ſhillings, ſometimes ſixe ſhillings; in the Church it ſelfe

ſelfe at ten ſhillings, twenty ſhillings, forty ſhillings, three pound, foure pound, &c. in the Chancell, at twenty ſhillings, forty ſhillings, three pound, foure pound, five pound, yea, ten pound: and yet the purchaſer hath no aſſurance of it, but is conſtrained to hold *ad voluntatem Domini*, or as a Tenant for ſeven or ten yeeres, within which terme hee is oftentimes caſt out, and another put into his roome, and no Writ of *Quare ejecit infra terminum* lyeth for him. Shall I tell what I was aſhamed to heare? A grave or burying place let to farme at twenty ſhillings a yeere, the rent duely paid for divers yeeres, and being then behinde, the Parſon threatned to uncaſe the corps by pulling downe the Monument if it were not ſatisfied; and ſhame was ſo farre from him, as hee ſpared not to defend it even before the Commiſſioners: To whom it was likewiſe teſtified, that another had made forty pound of one grave in ten yeeres, by ten pound at a time; Strange things to mee, what to others I know not, but I ſuppoſe, *cinctutis non exaudita Cethegis*, the oldeſt man living hath not heard the like. Is it not time that his Majeſtie ſhould doe as hee doth, that like *Joſias* hee ſhould reforme the Temple, the Houſe of God? God bee bleſſed that put it in his heart, and grant him well to finiſh the work in hand, being ſo noble, ſo pious, and ſo full of neceſſity.

I ſaid the Church was given freely by the Founder for Prayer, and the Church-yard freely for Buriall; what reaſon can then bee alledged, why the

the dead ſhould rather pay for going into the grave, then the living doe for going into the Church? Or why doe not the living pay as well for the one, as the dead for the other. Alas, *mortuo leoni & lepores inſultant*, a little childe may pull a dead lyon by the beard, but the leaſt dogge alive will turne againe upon the talleſt man. I have here a faire occaſion to ſpeak of another great abuſe, the extreame exacting money for pewes; but I will hold me to the matter in hand, and for a concluſion, give mee leave to upbraid our Miniſters with that golden Edict of *Agamemnon* in *Homer* touching the ſlaughtered *Trojans*, his enemies.

Iliad. 7. pag. 128.

Οὐ γάρ τις φειδὼ νεκύων κατατεθνειώτων
Γίνετ', ἐπείκε θάνωσι, πυρὸς μελιοσέμεν ὦκα.

I will that nought be taken for the grave;
But that the dead ſhall freely buriall have.

Turnus in Vir. Æn. 10. uſeth the like curteſie in burying his enemy *Pallas.*

O ſhame to our religion that heathens and ſoldiers ſhould be more gracious to their enemies, then a Chriſtian Miniſter to his friends and brethren. But, *ferrea nunc ætas*, &c.

Quiſquis honos famuli, quicquid ſolamen humandi, Largior—

And it is ſaid that the Turks in this point cry out upon us Chriſtians.

I am now led, where I was loath to come, to ſhew the nature and penaltie of this ſin. But that niceneſſe is too late, ſince *Jo. de Athon*, *Hoſtienſis*, divers Canons, and ſome other former paſſages have alreadie ſo manifeſtly diſcovered it to be Simony, under which title it therefore ſtandeth ranked in the books of Canon-Law with this cenſure and penaltie, *ſicut ſimoniaca peſtis*, &c. as that peſti-

Decr. Greg. lib. 3. cap. 6.

lent diſeaſe of Simony doth exceed in greatneſſe all other diſeaſes, ſo immediately aſſoone as the ſignes thereof ſhall appeare by the relation of any perſon, it ought to be caſt out, and baniſhed from the houſe of God; So odious is the contagion thereof in the Canon Law, as it receiveth all criminous and infamous perſons to become accuſers, even the bondman againſt his Lord. It induceth ſuſpenſion, irregularitie, excommunication, curſes, deprivation, &c. many penalties not put in execution.

Ibid. . eq.

The cognizance and reformation thereof, as of all other enormities in Church and Church-men, were anciently in the Clergie themſelves; till *King Henry* the ſecond perceiving that many horrible crimes committed by Clerkes were either ſmoothered up in ſecret, or ſmoothed over upon examination with ſome ſlight puniſhment; (for nothing in the Canon Law is mortall) he therefore obtained in the great Councell of *Clarendon*, to have them tried for Capitall matters before his ſecular Judges, which firſt cut the ham-ſtrings of Eccleſiaſticall Juriſdiction, and became a perpetuall preſident for the laiming of it afterward in other members: for hereupon the ſucceeding Parliaments from time to time, as they found the Clergie either ſleeping or exorbitant in uſing their Juriſdiction, pulled ſomewhat *à Conſiſtorio Cleri ad Prætorium Regis*, from the Canon-Law to the Common-Law; and by little and little have brought the great ſea of their old authority to a narrower compaſſe; which, if my Lords the Biſhops look not the better

to,

to, will (I feare) be yet contracted and diminiſhed. They are not ignorant what hath been attempted againſt them in this kinde in *Queene Elizabeths* time and ſince, and that there be about foure hundred perſons which obſerve their courſes very ſtrictly. Their Lordſhips truſt their Chancellour, Commiſſaries, Arch-Deacons, and Officialls with the Canonicall government of their flocks, and theſe, in many places, deſiring money rather then amendment, doe ſo ſhave and pelt the people, that the cry thereof is very grievous, and will (no doubt) produce ſome other reformation, if it bee not (as I ſaid) helped by themſelves in time.

They were wont to limit their owne fees and the fees of their officers in the Provinciall Synods, as appeareth by diverſe of them. But their Succeſſours kept them ſo badly, that although the Synod of London in the yeare 1342. had given a good ſmart allowance for the probate and buſineſſe of a teſtament, as twenty ſhillings at leaſt, of the money of that time for every hundred pound of the Inventory: yet the market by *Henry* the eighth his time was growne to that height, that a thouſand markes were ſaid to be exacted for the probate buſineſſe of one mans teſtament (Sir *William Comptons* by name;) which gave the Parliament in the twentie ſecond of the ſame *King* ſuch diſcontent, as they would truſt the Clergy no longer to be their owne Carvers, but made a ſpeciall Statute in that point to bridle their exactions: And ſo likewiſe about *Mortuaries* and *Corps preſent*.

Steph. Mepham. Archiep. Canter. Jo. Stratford in Synod. London.

See Holliſh p. 911.

Now the authority they had is gone by their ſubmiſſion, *Anno* 25. *Hen.* 8. and the Statute thereupon then made: So as at this day they have no authority, either by Dioceſan or Provinciall Synods, to ſet any fees but in their Convocation by aſſent and confirmation of his Majeſtie under the great Seale. In which courſe none have been taxed ſince the ſaid Statute, till 27. *Eliz.* and then none touching any other then officers of Eccleſiaſticall Juriſdiction, and Courts, not Parſons, Vicars, Miniſters, Church-wardens &c. And noe otherwiſe alſo in the Conſtitutions of the Synod of London, 25. *Octobr.* 39. *Eliz. & Jac.* 1. where the Lord Archbiſhop of Canterbury hath power given him to determine of ſome queſtionable fees touching the ſaid officers, but noe farther; ſo that the rates and taxes of fees of Parſons, Vicars, Miniſters, Church-wardens, and the like, which I have often ſeen to be countenanced and authorized by the Ordinary of the Dioceſſe, his Chancellour, or other officers under their hand and Seale (as farre as my underſtanding can diſcover) are without ſufficient warrant, and againſt the Law.

An. 1584

An. 1597. cap. 33

What fees the Parſon may take.

But when all is done, it muſt not be forgotten that ſomewhat doubtleſſe may be due unto the Parſon upon the buryall of the dead, for why elſe ſhould divers Canons provide that the bodyes of thoſe which dye, be not carried to buriall out of their

their Pariſh, leſt the Prieſt ſhould thereby loſe what is due unto him.

And though the Canon *ad Apoſtolicam* forbid exacting of money for burials, yet it preſerveth godly and laudable cuſtomes in that kind, and preſcribeth a courſe for ſuppreſſing their malice that ſhall attempt to break them. [a] *Tertullian* maketh often mention of oblations for them, not only at the time they dye, but in their Anniverſaries; and particularly of husbands for their wives. So doth [b] *Cyprian* in diverſe paſſages, calling them ſometimes oblations, ſometimes *Sacrificia*; and ſpeaking of oblations, ſaith, that the Miniſters had an allowance out of them for their maintenance. [c] *Hoſpinian* therefore is deceived, that ſuppoſeth them to have had their growth under [d] *Gregory* the Great. [e] But in this, doubtleſſe, he is not deceived, that Prieſts and Monkes, leading the people on in this Superſtition of prayers and oblations for the dead, raiſed thereby an exceſſive benefit to themſelves. For they made hereby the place of buriall, which was publique, to become their owne in private; and then, ſelling it for money, ſhew themſelves more impious then the barbarous *Ephron*, that freely offered *Abraham* his buriall field.

It is now therefore to be conſidered, which be thoſe laudable cuſtomes that may come within the protection of this Canon: for they doubtleſſe are inexpugnable though not eaſily to be expreſſed, for that they may differ according as devotion hath begotten them in any place or Pariſh. But be they what

a *De corona milit. cap.* 3. 13. 8.
b *De caſtit. mont. lib.* 3. *Epiſt.* 6. *lib.* 4. *Ep.* 5.
c *lib.* 1. *Epiſt.* 7.
d *Lib. de Orig. templorum. Act.* 87. 6.
e *Apollonius* in his book againſt the Montaniſts, ſaith, that *Montanus* ſub nomine oblationum, munera artificioſus accepit. *Hiſt. trip. lib.* 5. *cap.* 16. But it is ſaid that the Franciſcan and Dominican Friars, about 550. yeares ſince, invented to get money by perſwading the people the buriall in Churches and the neere the Altar was much the better.

what they may (I labour not on that;) my drift is onely to ſhew that they muſt not be thoſe which are now in uſe, to take money for the grave or office of buriall; for theſe cannot be ſaid to be godly or laudable cuſtomes, ſince ſo many Canons have declared them to be vitious, impious, injurious, irreligious, too too horrible, & the more grievous by their longer cuſtome and continuance, and therefore damneth and annulleth them by expreſſe words, how ancient or how generall ſoever they be.

If you will put me to name ſome ſuch cuſtome as may ſeeme laudable and Canonicall, I will preſent you with that which *Hoſtienſis*, *Athon*, and *Lindewode* deliver upon their credit to be authenticall in the Pariſh, where it hath been ſo uſed; viz. *That for every one that dyeth there, ſo much hath uſually been given unto the Prieſt or Church*. This they ſay will hold out water; but, as I ſaid before, I feare me none of our Parſons can maintaine it in this forme. Another is that we call a *Mortuarie*; which was thus paid: The Lord of the fee had the beſt beaſt of the defunct by way of an *Heriot*, for the ſupport of his body againſt ſecular enemies; and the Parſon of the Pariſh had the ſecond as a *Mortuarie* for defending his ſoule againſt his ſpirituall adverſaries. I know the *Provinciall*, and *Lindwode* following it, doe ſay that the *Mortuary* was given in recompence of perſonall tythes forgotten or omitted; but, under correction, I doubt of that; becauſe, that in the ancient *Formularie* of wills,

Lib. 1. tit. de conſuet. c. 1. Lindew. 161. in gloſſ. fo. 15.

wills, and by the Canon of the Synod of *Exeter*, it is expreſly directed, that in all of them, there ſhall be an eſpeciall Legacy of ſomewhat to the Parſon for tythes and oblations forgotten or pretermitted; and if a *Mortuary* were for the ſame reaſon, then had the Parſon in many places two ſeverall recompences for one and the ſame thing. It were very unreaſonable alſo that a poore man having nothing tythable but three horſes, ſhould give the ſecond of them to the Parſon for tythes omitted, when hee whoſe tythes are worth 40. or 50. pounds a yeere giveth no more; nor is it like an *Heriot*, which by contract between the Lord and Tenant was reſerved upon the originall grant. But the Statute of 21. *Hen.* 8. *cap.* 6. hath turned theſe kind of *Mortuaries* into certaine ſummes of money, according to the value and eſtate of the Pariſhioner deceaſing, and forbiddeth any thing to be otherwiſe taken either for *Mortuarie* or *Corps preſent* (which I conceive to be, when the corps is carried either thorough or into another Pariſh) then where it died.

Other cuſtomes there may be alſo, which the Canon accompteth laudable; as where money was anciently given for lights in the Church, or for praying for the ſoule of the deceaſed. The Parſon it may be doth enjoy it at this day not mentioning the originall, and ſo it behooveth him to doe, leſt the King be entituled to it by the Statute of *Superſtitious uſes*. And it may be that the money now paid for graves, was anciently the ſame that was given for praying for the ſoule of the dead. For

Mr.

Mr Fox reciting some Lawes of *Canutus*, hath this for one; *Pecunia sepulturæ, justum est, ut aperta terra reddatur: Si aliquod corpus â suâ parochiâ deferatur in aliam, pecunia sepulturæ &c.* In english (saith he) *It is meet and right, that in funerals money be given for opening the earth: If any body or corse be carried from his owne Parish into another, the money of the buriall shall pertain by the Law to his owne Parish Church.*

pag. 16[illegible].

This Law cometh home to the point in hand, & maketh very materially for the Parson, and therefore I blame them not if they lay good hold on it as a warrant of antiquity, to shew both their right and their custome. But you must know, that this Law was not written originally in Latine, but in Saxon: And that the Translatour hath not delivered it faithfully.

Canuti LL. Eccles. cap. 13.

The Saxon is this: ⁊ ſaꝑlſceaꝛ iſ ꝛihꝛœſꝛ ꝥ man ſẏmle ȝeleſꝛ a œꝛ oꝑœnum ȝꝛæſe. ⁊ ȝiſ man œniȝ lic oſ ꝛihꝛ ſcꝛiſꝛ ſeiꝛe elleſhꝛœꝛe leȝe ȝelœſꝛe man ꝑone ſaꝑelſceaꝛ ſꝑa ðeoh into ꝑam mẏnꝛꝛꝑe ðe hiꝛ to hẏnde; that is, It is just that the soule-shott (or money given for praying for the soule) be alwayes payd at opening of the grave: And if the corps be buried elsewhere then in its owne Parish, yet let the soule-shott be paid to the Church, to which it belongeth. It is taken *verbatim* out of the Synod of *Eanham*, holden by *Alpheage* Archbishop of Canterbury, and

and *Wulſtan* Archbiſhop of Yorke, about the yeere 1009. in the time of King *Etheldred*, and now in a ſecular Parliament (as I may call it) confirmed by *Canutus*. But the old Latine manuſcript copy of that Synod cleareth the queſtion, in theſe words: *Cap.* 14. *Munera nec non defunctorum animabus congruentia puteo impendantur aperto*; *Let the gifts alſo that are given for the behooſe of ſoules of the dead be paid* (or delivered) *at the opening of the grave.* This Canon neither commandeth any thing to be paid for the grave, nor yet for the ſoule, but onely limiteth the time when that which is given for the ſoule ſhould be paid. He therefore that tranſlated *Canutus* Lawes out of Saxon, did not truely expreſſe ſaulepceat by *pecunia ſepulturæ*, nor Mr *Lambard* (who rather affected eloquence then propriety) by *pecunia ſepulchralis*: But Mr *Fox* more unfaithfully by engliſhing the Latine. It is meet and right that in Funeralls money be given for opening the earth, as though the Law required that money ſhould be paid for the grave, whereas that it ſpeaketh of, was onely for praying for the ſoule, which by the Canons might lawfully be taken, and is that, which they alſo intend ſhould be paid unto the Pariſh Church of the deceaſed, when the body is elſewhere buried; for ſo an ancient paraphraſticall copy of *Canutus* Lawes doth expreſſe it: *Si quis corpus parentis aut amici ſui ex propria parochia aliàs portare ad ſepeliendum voluerit, faciat priùs certitudinem parochiæ ad quam pertinet, ſcilicet redditus quod Angli* ſaulepceat *vocant, quod rectè perſolvi*

solvi debet ad apertum sepulchrum.

Now it appeareth how this grave-silver or money for graves grew up to be taken. It was first given for praying for soules and such like, but that being abolished and given to the King, the Parsons it seemeth take it for the grave. And to say what I thinke, doe now take that which was given for praying for the soule, under their fee for their office of burying the Corps, and this for the grave besides, for they take them both. But I say no more.

FINIS.

LAMBETH FAIRE.

VVherein you have all the *Biſhops Trinkets* ſet to *Sale.*

I ſit thus groveling in S. *Peters* Chaire,
'Ore-preſt with griefe to thinke on *Lambeth Faire.*

O imbi præteritos reſoret ſi Iupiter annos
Qualis eram——

Death cloſe mine eyes with thy eternall doome,
Before this *Faire* be thus proclaim'd at *Rome:*

Printed *Anno Dom.* 1641.

To the Reader.

THe rare Poeticke wits of theſe our Times,
Are daily chanting curious Hymnes and Rymes.
VVhoſe lines pe fum'd, ſmell ſweet as any Rope,
For Engliſh Biſhops, *or the* Romiſh Pope.
But mine ſmell not ſo ſtrong, for I am ſory,
Our Biſhops *ſhould change Caps with* Doctor Story.
Then Reader now, if thou wouldſt underſtand,
Why this ſame matter thus I take in hand:
Becauſe I love my braine to exerciſe,
Though Loylous, *hap, may thinke tis otherwiſe,*
Becauſe I love to keepe my minde from folly,
Or humour which is called Melancholy.
But ſome will ſay, perhaps, if this be true,
You might have kept it from the vulgar vew:
I anſwer no, for who could then repaire,
To buy new faſhion Robes at Lambeth Faire.
The Parliament hath put'd them downe, and I
Have ſet their trinkets out for men to buy,
Lawne-ſleeves, Hoods, Surpliſſes, with reſt o'th rabble,
Thus ends the Prologue, Here begins the Fable.

LAMBETH FAIRE.

Wherein is ſo'd,
Ceremonies all
Both new and old.

NO ſo'ner was the ſable darkneſſe paſt,
And *Sol* his Eye on our Horizon caſt
By whoſe bright beames thoſe clouds diſperſed were,
Which did benight the Land with horrid feare;
But preſently the people heard ſtrange Fables,
The Biſhops went to *Lambeth* with their Bables,
Where a *new Faire* was lately conſecrate
For Popiſh Garments, that were out of date:
And when their ſhops and ſtalls, and boothes were made
With all things fitting for that *holy Trade:*
O'th tops o'th ſtandings all, for fear of evill,
Were Croſſes ſet, to ſcare away the Divell:
With might and maine, the people 'gan to flöcke,
And all were preſent there, by nine a clock,
The Clearke o'th' *Faire* was preſently beſpoken,
To give them liberty, their ſtalls to open,
To keepe out theeves the *Keepers* p'ace he deemes;
But *Keeper* he was run away it ſeemes:

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To keepe out theeves the *Keepers* p'ace he deemes;
But *Keeper* he was run away it ſeemes:

Well let him goe, the *Biſhops* cri'd, what then?
We have a nimble, and quickſighted *Wren*,
Who when he comes, can ſoare and fly about,
To ſpy, and keep the knaviſh Rable out.
The Maſter of the *Fayr* was cal'd upon,
But anſwer's made, he to the Tower is gon;
That he was abſent, it was taken ill,
But ſure he went toth' Tower againſt his will:
Proclaym the Fayr, the *Biſhops* all, they cryed,
For we dare hardly, longer here abide;
The *Cleark* gave leave, the *Cryer* on a hill
Standing, began to cry with voyce ſo ſhrill.

O-yes, O-yes, I do cry,
The Biſhops Trinkets who will buy?

Cre
This being done of *Biſhops*, all the w,
Began with ſpeed, their wearing Robes to ſhew,
And with extended voyce, they all did cry,
Come Cuſtomers, ſee what you lack and buy;
Here's Veſtments Conſecrate, all ſorts and ſizes,
You may have here, if you'll come to the priſes:
Buy Fayrings for your Children, here are toyes,
Fit for your purpoſe, be they Gerls, or Boyes;
Caps for your Boyes to hurle into the aire,
And Beads for Gerles, are here in *Lambeth Fayr*:
What though theſe Robes were firſt deviſ'd in Hell,
Tuſh thats no matter, we'll good-pen worths ſell:
Here look upon them, they are very good and ſtrong,
They'r neate and handſom, and will laſt you long,
They'r very full and large. you nere ſaw ſtronger;
I would not ſell them durſt I keepe them longer.

Buy a *Crucifix*, another loud doth call,
Twill ſcare the *Devill*, and will preſerve your ſoule;
Lay out your money, hang up worldly pelfe,
I will ſel't cheaper, then I had't my ſelfe:
It's ſtrange to ſee how men their money keepe,
What come you all to *Lambeth Fayr* to ſleepe,
Come buy *lawn ſleeves*. I haue no money took,
Here, try them on, you'l like a *Biſhop* looke.
And may get honour, both of great and ſmall,
And Lord it ore your fellow Brethren all:
If that the times ſhould chance once more to turne,
Then might you Lord it, like as we have done,
Come hither friend, and buy this ſilken Gowne,
I'm ſure you cannot match't in *Lambeth* Towne:
In this ſame Gown, did *Canterburies Grace*,
At *High-Commiſſion* ſhew his graceleſſe face;
Many a ſtorme, and ſhower it will abide,
Yea, and a world of knavery 'twill hide;
Sir, looke upon't, and view it at your leiſure,
Goe to the price, for you I faine would pleaſure,
Come buy his *Graces Gown*, the price is ſmall,
And if you will I'le ſell you grace and all.
Though he have worn't, it's neere the worſe for wearing,
Girt it but cloſe, and never feare the tearing.
Come buy my *Croſier ſtaffe*, another he begins,
Tis excellent to keepe Dogs from your ſhins:
Pray Sir let me ſome of your money take,
And keepe this ſtaffe for its old maſters ſake.
Another comes, as if his back would breake,
Burthen'd with *Veſtures*, and gan thus to ſpeake,
Trinkets I have good ſtore, within my packe,
I pray you view them, and ſee what you lack;

See

See for your love, and for your Money buy,
Name what you want, I'le fit you presently,
My packe it is a *Wardrobe*, large and faire,
Wherein are *Miters*, *Caps* rotund, and square,
The Rarest Episcopalls, that ere you see,
Are in my packe, come pray you buy of me;
Hear's rich Embroydred weare, chuse where you please,
I have a thousand such like knackes as these:
Buy this brave Rochet, buy this curious Cope,
The Tipper, Scarfe, they all came from the Pope;
I'le sell them at a rate you cannot loose,
Or else exchange them for a pair of shooes;
I must to *Rome*, I can no longer stay,
I pray you buy them, I must hence away.
Then after that unto this Jolly *Faire*,
A little *Wren*, came flying through the ayre,
And on his back betwixt his wings he bore,
A Minster stuft with *Crosses*, *Altars* store,
With Sacred *Fonts*, and rare guilt *Cherubims*,
And bellowing *Organs*, chanting curious *Hymmes*,
The Hallow'd Host, dum Priests, and singing boyes,
With Antick Cringers, and a thousand toyes:
Thus then this mighty WREN, unto the *Faire*,
Brought his *Cathedrall* pack, thus stuft with Ware,
The door's wide-op't, there thousands came to see,
The *Romish* Reliques of the Hierarchie;
Where all were set to sale, and at low rate,
Because they gan to wax quite out of date,
Buy my high *Altars*, he lifts up his voyce,
All sorts of *Masse-bookes*, here you may have choyce,
Her's Bells *baptiz'd* will make a dainty sound,
Pray if you please step in and ring them round:

Then

Then after that were ſeene a *Regiment*,
Of *Hell-borne Locuſts* from *Cocitus* ſent,
To draw a mighty Cart wherein were brought,
Plurality of *Churches* to be bought.
Then cri'd an other, Sir, what will you buy?
I pray ſtep in Sir, do not ſo paſſe by.
Here's a *Cathedra*, once Saint *Peters Chaire*,
The rareſt thing to buy in *Lambeth Faire*.
The candid Surpleſſe, and the Wedding *Ringes*:
Pictures for Bibles, and ſuch pretty things:
Here's the late *Canons*, and the New found *Oath*:
To ſell *Et cætera* I am very loath:
You formerly haue heard by true Relation:
Theſe are the toyes wee made i'th' *Convocation*:
Oath ex Officio, here if you will buy:
Or *High Commiſſion*, take it preſently.
Here's *Ember Weekes* with thin-chapt *Jack-a-Lent*,
To help you at a pinch when all is ſpent:
Here's *Holy Dayes* to ſport the time away:
Or Booke of Paſtimes for the *Sabbath Day*:
Here's *Deanes* and *Prebends*, and the filthy Neſt
Of *Purſevants*, *Promoters* and the reſt,
Chancelours, *Officialls*, *Surrogates*, and all
The lofty *Courtiers* of *Commiſſion Hall*:
Come *Clergy* Chapmen, to your *Hierarchie*,
Heers exc'lent *ware*, as good as ere you ſee;
Jure Divino, that's become our Doome,
Wee'l ſel't for Wharfage to the Coaſt of *Room*.
Burialls, and *Churchings*, we have wondrous ſtore,
Upon my word, they all came from the *whore*;
Then next to him, a fiery fat guts fell,
Brought ſix and twenty *Biſhopricks* to ſell;

With

With gages and whips, and Priſons for all thoſe,
That ſhould their curſed Hierarchie oppoſe,
With catch him *Purſevant*, take him to the *Iaile*,
There let him lye without *Mainpriſe* or *Baile*,
'Ere he get from us, wee will make him ſee
Experimentally, wee Biſhops bee:
Our *Courts* and *Iuriſdiction's* are at ſale:
Come buy them quickly, 'ere they be too ſtale.
An other Biſhop, with a Box did ride,
And with extended voyce he loudly cri'd,
To Schollars all that *Miniſters* would bee,
Come hither, buy the *Holy Ghoſt* of me;
But *Simon Magus* he was in the ground,
And none to buy the *Holy Ghoſt* was found.
An other Biſhop he a Pack brought in,
The which was ſtuff'd with *Licences* toth' brim,
And preſently he crieth out with fury,
Here's *Licences* to Preach, to Church and Bury:
If wedding's out and you'r diſpoſ'd to wed,
Come buy a *Licence*, and away to Bed.
What all paſſe by? 'tis ſtrange *Time* turns her wheell,
And bends her brow upon us, that wee feell
No *handſaile* yet, our *ware's* becharmed ſure,
And (like our ſelves) there's none will it indure,
It's doom'd to diſmall fate, deſpiſ'd and ſcorn'd,
Though nev'r ſo coſtly, or ſo much adorn'd:
Here's *omne venale*, yet no money flyes,
Our *ware's* dog-cheape, and thus credit dyes:
For ſuch a *Fayre* I never did behold,
We bring our *ware* but nothing can be ſold:
I wonder ſaid one, what was our intent,
To make our *Fayre* thus at the *Parliament*.

For

For we are mocked here by ſawcy Jacks,
They bid the *Pedlers*, to put up their *Packes.*
Another *Biſhop* lifting up his voyce,
Cri'd out amain, of Livings I have choice,
I'le ſell you two or three, if that you pleaſe,
So you'l have money comming in with eaſe,
If that to Preach, your ſelfe you can't indure,
Get ſome poore *Iourney-man* to ſerve your *Cure*;
You'l quickly light on ſuch a one I trow,
We have made more, then how to live doe know.
Wax Candles, *Tapors*, another cries and calls,
Theſe brought I with me from *Cathedrall Paules*,
They'l ſcare the Divell, and put him unto flight,
When he perceives a conſecrated light;
When we at *Mattens*, and at *Even-ſong* were,
We had them by us then, devoyd of feare;
They'l bring delight unto your eyes and noſe,
They burn ſo cleere and ſmell ſo like a Roſe,
And when you thinke that it hath burnt enough,
Then blow it out, you ſhall not ſmell the ſnuffe,
Or elſe you may on whom you will beſtow it,
They'l joy to thinke a Biſhop once did owe it.
Come hither Friend another loud doth call
I'le ſell you here my *Common-Prayer-Bookes* all,
Sir view this ſame, and take it in your hand,
This *Booke* but lately no man durſt withſtand,
For if he did, and we thereof did heare,
Wee ſure did make him a Commiſſioner,
And if he chanc'd apearance for to miſſe,
To *Limbo Patrum*, he was ſent for this;
And if he did not us ſome money give,
In that *Abyſſe* we doom'd him ſtill to live.

Money my hearts another loud doth call,
I ſee I am not now in *Lambeth Hall*,
No ſooner I from Dinner then was riſen,
Men brought me chinke to free them out of Priſon,
I'm broke, I'm broke; another then did ſay,
Come buy my *Hoods* I can no longer ſtay,
What mean ye Sirs? the day is almoſt ſpent,
Come buy my *Trinckets* all incontinent;
Come hither friend, the price is very ſmall,
I'le ſell my *Coate*, it is Canonicall,
Come buy this *Miter* Sir, if you be able,
The vertue of it is ineſtimable,
Buy't Sir, and wear it, and then ſoon I hope,
You will riſe higher and become a *Pope*,
I tell you truely had not fortune left mee,
I would have kept it untill Death bereft me.
It now beginning to grow towards night,
Comes a grave *Doctor* running in with might,
His courage ſtoute was ſomething now abated,
He brings his *golden Slippers*, conſecrated,
And crys, come buy theſe *Slippers* here of mine,
They are emboſſ'd with *Holines Divine*,
They will in all your wayes preſerve you ſound,
And with them you may tread on holy Ground,
If you'l but weare them, this I'le tell you more,
You'l leave the Earth, and to the Heavens may ſoare
They'r fild with *Holines* within, and round about,
Here looke upon them, ſee how't breaketh out.
If not my *Slippers*, then my great *Bumbo*,
Ile ſel't you now; what anſwer? *No no no*,
We thought our *ware* would ſell at ſuch a price,
And of our hands beene vented in a trice:

Tha

That this laſt *Act* upon the *Engliſh* Stage,
Would forded money, for our pilgrimmage
To *Babylon* the Great; how'ere we dream'd no leſſe,
Then Ranſom for his priſoned *Holyneſſe*;
But he, nor we, muſt by this *Lambeth Faire*,
Get help I ſee, by this our *Popiſh ware*.
Whilſt thus the *Biſhops* there, their guts and they,
Cal'd to their *Cuſtomers* to come away,
A *Meſſenger* came running through the croud,
And to the *Biſhops* thus he ſpake aloud,
Away to *Rome* or *Tiburne* chuſe you whether,
I know your ſhooes are made of *running leather*:
For all the Lawes oth' Land, you have out run,
And I come here to tell you what is done,
The *Parliament* hath pul'd your pride toth' ground,
And by the *Houſe* three times y'are *voted down*,
Your *war's* not worth a --, for all your cogging,
See where the *Hangman* comes, away, be jogging,
Alas cryed they, is all our labour loſſe?
Others get money, we have but the Croſſe!
For we are croſſed in our expedition,
And fly we muſt, for all *Oxfords* Petition,
Yet notwithſtanding herein lies our hope,
We ſhall be entertained by the *Pope*.
With that like men of Sences quite bereft,
They ran away, and all their trinckets left,
A friend of mine to me did then repaire,
Deſireing me, to pen this famous *Fayr*,
Which I have done, and have it here to ſell;
Come buy the *Faire* of me, and ſo farewell.

FINIS.

IRREGULAR MARKING OF THE TRACTS

FRAGMENTA REGALIA. 22

Written by Sr ROBERT NAUNTON,
Maſter of the Court of WARDS.

Printed *Anno Dom.* 1641.

FRAGMENTA REGALIA,

OR OBSERVATIONS ON the late Q. ELIZABETH, her times and favorites.

To take her in the Originall, She was,

THE Daughter of King *Henry* the 8th by *Ann Bullen* the ſecond of 6 Wives which he had, and one of the Maydes of *Honour* to the Divorced Queene *Katherine* of *Auſtria*, (or as the now ſtiled *Infanta* of *Spaine*) and from thence taken to the *Royall Bed*.

That ſhe was not of a moſt noble and Royall extract by her Father, will not fall into queſtion, for on that ſide was diſimbovned into her veynes by a confluence of blood, the very abſtract of all the greateſt houſes in Chriſtendome, and remarkeable it is, conſidering that violent deſertion of the Royall houſe of the *Brittaines*, by the intruſion of the *Saxons*, and afterwards by the Conqueſt of the *Normans*: that through viciſſitude of times, and after a diſ-

continuance almoſt of a thouſand yeares, the *Scepter* ſhould fall againe, and be brought back into the old Regall line and true Current of the *Britiſh blood* in the perſon of her renowned *Grandfather* King *H. 7.* together with whatſoever the *Germain, Norman, Burgundian, Caſtilian,* and *French* Atcheivements with their intermarriages, which 800 yeares had acquired, could adde of glory thereunto.

By her mother ſhe was of no Soveraigne diſcent, yet Noble and very Antient in the Family of *Bullen*, though ſome erroneouſly branded them with a Citizens riſe, or originall which was yet but of a ſecond Brother, who as it was divine in the greatneſſe, and luſtre to come to his houſe, was ſent into the City to acquire wealth (*ad adiſcandam antiquam domum*) unto whoſe Atcheivements (for he was *Lord Mayor* of *London*) fell in as it is averred both the blood and inheritance of the eldeſt Brother, for want of iſſue males, by which accumulation the houſe within few diſcents mounted *In fulmen honoris*, and was ſodainly delated in the beſt Families of *England* and *Ireland*: as *Howard, Ormond, Sackeville,* and others.

Having thus touched, and now leaving her ſtipe, I come to her perſon and how ſhe came to the Crowne by the deceaſe of her Brother, and Siſter.

Under *Edward 6.* ſhe was his, and one of the darlings of *fortune*, for beſides the conſideration of blood, there was betweene theſe two Princes, a concurrencie and ſympathy of their natures and affections, together with the Cæleſtiall bond (confirmative Religion) which made them one, for the King never called her by any other appellation, but his ſweeteſt and deareſt Siſter, and was ſcarce his own-man, ſhe being abſent; which was not ſo betweene him and the Lady *Mary*.

Under her Siſter ſhe found her condition much altered, for it was reſolved, and her deſtinie had decreed it, for to ſet her Apprentice in the Schoole of affliction, and to draw her through that Ardell fire of tryall, the better to mould and faſhion her to Rule and Soveraignitie; which finiſhed, and *fortune* calling to minde, that the time of her ſervitude expired, gave up her Indentures, and therewith delivered into her Cuſtodie a *Scepter*, as the reward of her patience, which

was

was about the 26 th of her age, a time in which, as for her externalls she was full blowne, so was she for her Internalls growne ripe and seasoned by adversitie, in the exercise of her vertue: for it seemes, *fortune* meant no more but to shew her a peece of varietie, and changeablenesse of her nature, but to conduct her to her destinie (*id est*) felicitie.

She was of person tall, of hayre and complexion faire, and therewith well favored, but high noted, of limbs and feature neate, and which added to the lustre of these externall graces, of a stately and Majesticke comportment, participating in this, more of her Father, then of her Mother, who was of an inferior allay-plausible, or as the *French* hath it, more debonaire, and affable, vertues, which might well suite with *Majesty*, and which descending as Hereditary to the Daughter, did render her of a more sweeter temper, and endeared her more to the love and liking of the people, who gave her the name and fame of a most gracious and popular Prince.

The atrocitie of the Fathers nature was rebated in her, by the Mothers sweeter inclinations for to take, and that no more then the Character out of his owne mouth, *he never spared man in his Anger, nor Woman in his Lust.*

If we search further into her *intellectualls* and *abilities*; the wheele course of her government decyphers them to the admiration of posteritie, for it was full of magnanimitie, tempered with *justice*, *piette*, and *pittie*, and to speake truth, noted but with one Act of Staine, or Taint, all her deprivations, either of *life* or *libertie*, being legall, and necessitated, she was learned, her sex and time considered, beyond common beliefe, for letters about this time, or some-what before, did but before begin to be of esteeme and in fashion, the former ages being over-cast with the mists and fogs of the Roman ignorance, and it was the maxime that over-ruled the foregoing times, that ignorance was the mother of devotion: her wars were a long time more in the auxiliarie part, and assistance of forraigne Princes and States: then by Invasion of any, till common policie advised it, for a safer way, to strike first abroad then at home, to expect the war in all, which she was ever felicious and victorious in.

The change and alteration of Religion upon the instant

of her acceſſion to the *Crowne*, the ſmoake and fire of her Siſters Martyredomes ſcarcely quenched was none of her leaſt remarkeable actions but the ſupport and ſtabliſhment thereof with the meanes of her owne ſubſiſtance amidſt ſo powerfull enemies abroad and thoſe many domeſtique practiſes were (methinks) workes of inſpiration, and of no humane *providence*, which on her Siſters departure, ſhe moſt Religiouſly acknowledged aſcribing the glory of her deliverance to *God* above: for ſhe being then at *Hatfield*, and under a guard and the *Parliament* ſitting at the ſelfe ſame time, the newes of the Queenes death and her owne Proclamation by the generall conſent of the Houſe and the publique ſufferance of the people: whereat falling on her knees after a good time of reſpiration ſhe uttered this verſe of the Pſalme.

A domino factum eſt iſtud, et eſt mirabile in oculis noſtris. And this we find to this day on the ſtampe of her gold, with this on her ſilver, *Fofit Deus adjutorem meum.* Her Miniſters and Inſtruments of State ſuch as were *participes curarum*, and bore a great part of the burthen were many and thoſe memorable, but they were onely *Favorites*, and not *Mynions*, ſuch as acted more by her Princely Rules, and judgments, then by their owne wills and appetites. for we ſaw no *Gaveſtone*, *Vere* or *Spencer*, to have ſwayed alone, dureing fortie foure yeares, which was a well ſetled and adviſed maxime, for it valued her the more, it awed the moſt ſecure, it tooke beſt with the people, and it ſtaved off all Emulations which are apt to riſe and vent in obloquious *acrimonie* even againſt the Prince, where there is onely admitted into high adminiſtrations.

A Major Pallacij.

THe principall note of her Raigne will be, that ſhe ruled much by faction, and parties which ſhe her ſelfe both made, upheld and weakned, as her owne great judgement adviſed for I do diſſent from the common, and received opinion that my Lord of *Leiceſter*, was abſolute and alone in her *Grace*; and though I come ſomewhat ſhort of the know-

knowledge of theſe times, yet that I may not erre nor ſhoot at randome, I know it from aſſured intelligence that it was not ſo, for proofe whereof amongſt many (that could preſent) I will both relate a Story and therein a knowne truth, and 'twas thus: *Bowyer* the Gent. of the *Black-Rod*, being charged by her expreſſe command, to looke precisely to all admiſſions into the *Privy-Chamber*; one day ſtayed a very gay *Captaine*, (and a follower of my Lord of *Leiceſter*) from entrance, for that he was neither well knowne, nor a ſworne Servant to the Queene; At which repulſe, the Gent. (bearing high on my Lords favor, told him that he might perchance procure him a diſcharge. *Leiceſter* coming to the Conteſtation ſayd publikely which was none of his wonted ſpeeches, that he was a knave, and ſhould not long continue in his Office, and ſo turning about to goe to the Queene, *Bowyer* (who was a bould Gent. and well beloved) ſtept before him, and fell at her Majeſties feet, relates the ſtory, and humbly craves her graces pleaſure, and whether my Lord of *Leiceſter* was King, or her Majeſty Queene; whereunto ſhe replied (with her wonted oath) *Gods death* my Lord, I have wiſhed you well, but my favour is not ſo locked up for, you that others ſhall not participate thereof, for I have many Servants unto whom I have and will at my pleaſure bequeathe my favor, and likewiſe reſume the ſame, and if you thinke to rule here, I will take courſe to ſee you forth coming: I will have here but one *Mrs* and no *Mr*, and look that no ill happen to him, leaſt it be ſeverally required at your hands, which ſo quailed, my Lord of *Leiceſter*, that his fained humilitie was long after one of his beſt vertues.

Moreover the Earle of *Suſſex*, then Lord Chamberlaine was his profeſſed Antagoniſt to his dying day, and for my Lord *Hunſdowne*, and Sr *Thomas Sackevile*, after Lord *Treaſurer*, who were all Contemporaries; he was wont to ſay of them that they were of the Tribe of *Dan*, and were *Noli me tangere*, Implying that they were not to be conteſted with, for they were indeed of the Queenes nigh kindred.

From whence, and in many more inſtances, I conclude that ſhe was abſolute and Soveraigne Mrs. of her graces, and that all thoſe to whom ſhe diſtributed her favors,

wer[illegible]

were never more then Tennants at will, and ſtood on no better termes then her Princely pleaſure, and their good behaviour.

And this alſo I preſent as a knowne obſervation, that ſhe was though very capable of counſell, abſolute enough in her owne reſolution, which was ever apparent even to her laſt, and in that of her ſtil averſion to grant Tyrone, the leaſt drop of her mercy, though earneſtly and frequently adviſed thereunto, yea wrought onely by her whole Counſell of State, with very many reaſons; and as the ſtate of her Kingdome then ſtood, I may ſpeake it with aſſurance, neceſſitated Arguments.

If we looke into her inclination as it was diſpoſed to magnificence or frugalitie, we ſhall find in them many notable conſiderations, for all her diſpenſations were ſo poyſed, as though diſcretion and juſtice, had both decreed to ſtand at the beame, and ſee them weighed out in due proportion, the maturitie of her peaces and judgements, meeting in a concurrance; and that in ſuch an Age that ſeldome lapſeth to exceſſe.

To conſider them a part, we have not many preſidents of her liberalitie, nor any large donatives to particular men: my Lord of *Eſſex* his Booke of *Parkes* excepted, which was a Princely gift, and ſome more of a leſſer ſize, to my Lord of *Leiceſter*, *Hatton*, and others.

Her rewards chiefly conſiſted in grants, and Leaſes of Offices, and places of Judicature, but for ready money, and in great ſummes, ſhe was very ſparing; which we may partly conceive, was a vertue rather drawne out of neceſſity, then her nature; for ſhe had many layings out, and as her Wars were laſting, ſo their charge increaſed to the laſt period. And I am of opinion with Sir *Walter Rawleigh*, that thoſe many brave men of her times, and of the *Militiæ*, taſted little more of her bounty, then in her grace and good word with their due entertainement, for ſhe ever payd the Souldiers well, which was the honour of her times, and more then her great Adverſary of *Spaine* could performe: ſo that when we come to the conſideration of her frugality, the obſervation will be little more, then that her bounty and it, were ſo woven together,

ther, that the one was ſtayned by an honorable way of ſpareing.

The *Iriſh* action we may call a mallady, and a Conſumption of her times for it accompanied her to her end and it was of ſo profuſe and vaſt an expence, that it drew neare unto a diſtemperature of State, and of paſſion in herſelfe for towards her laſt ſhe grew ſomewhat hard to pleaſe her Armies being accuſtomed to proſperity, and the *Iriſh* proſecution not anſwering her expectation and her wonted ſucceſſe, for it was a good while an unthrifty and inauſpicious War which did much diſturb and miſlead her judgment; and the more, for that it was a preſident taken out of her owne patterne?

For as the Queene by way of diviſion had at her coming to the *Crowne*, ſupported the revolted States of *Holland*, ſo did the King of *Spaine* turne the tricke upon her ſelfe towards her going out by cheriſhing the *Iriſh* Rebellion, where it falls into conſideration, what the State of this Kingdome, and the *Crowne* Revenues were then able to indure and embrace.

If we looke into the eſtabliſhments of thoſe times with the beſt of the *Iriſh* Army, counting the defeatures of blackwater with all the precedent expences, as it ſtood from my Lord of *Eſſex*, his undertaking of the ſurrender of Kingſale, and the Generall *Mountjoy*; and ſomewhat after we ſhall find the Horſe and Foote Troopes were for 3. or 4 yeares together much about 20000 beſides the Navall charge which was a dependant of the ſame War, in that the Queene was then enforced to keepe in continuall pay a ſtrong Fleete at Sea, to attend the *Spaniſh* Coaſts and parts both to allarum the *Spaniards*, and to intercept the Forces deſigned for the *Iriſh* aſſiſtance, ſo that the charge of that War alone did coſt the Queene three hundred thouſand pounds per annum at leaſt which was not the moiety of her other diſburſements, and expences which without the publique aydes the State and the Royall receipts, could not have much longer endured; which out of her owne frequent Letters and Complaints to the Deputy *Mountjoy*, for caſheering of that Liſt as ſoone as he could, might be collected, for the Queene was then driven into a ſtraite.

We are naturally prone to applaude the times behinde us,

and to vilifie the preſent, for the concurrent of her fame carries it to this day how Royally and victoriouſly ſhe lived and dyed without the grudge and grievance of her people, yet the truth may appeare without retraction from the honour of ſo great a Princeſſe. It is manifeſt ſhe left more debts unpayd, taken upon credit of her Privy-Seales then her progenitors did or could have taken up that were an 100 yeares before her, which was no inferior peece of State to lay the burthen on that houſe which was beſt able to beare it at a dead lift, when neither her receipts could yield her reliefe, at the pinch, nor the urgencie of her affayres endure the delayes of Parliamentary aſſiſtance, and for ſuch aydes it is likewiſe apparant, that ſhe received more, and that with the love of her people, then any two of her predeceſſors, that tooke moſt, which was a fortune ſtrayned out of the Subjects, through the plauſibilitie of her Comportment, and (as I would ſay without offence) the prodigall diſtribution of her grace to all ſorts of Subjects. for I beleeve no Prince living, that was ſo tender of honour, and ſo exactly ſtood for the preſervation of Soveraignitie was ſo great a Courtier of the people, yea of the Commons and that ſtooped and declined lowe in preſenting her perſon to the publique view as ſhe paſſed in her Progreſſe and perambulations and in her ejaculations of her prayers on the people.

And truely though much may be written in praiſe of her providence and good-husbandry, in that ſhe could upon all good occaſions abate her magnanimitie and therewith comply with the *Parliament*, and ſo alwaies come off, both with honour, and profit, yet muſt we aſcribe ſome part of the commendation to the wiſdome of the times, and the choyce of *Parliament-men*, for I ſayd not that they were at any time given to any violent or pertinacious diſpute, the Elections being made of grave and diſcreet perſons, not factious and ambitious of fame ſuch as came not to the houſe with a malevolent Spirit of contention, but with a preparation to conſult on the publique good, and rather to comply then to conteſt with Majeſty, neither dare I finde that the houſe was weakned and peſtered through the admiſſion of too many young heades, as it hath beene of latter times, which rembers me of

the

the Recorder *Martius* ſpeech, about the truth of our late Soveraigne Lord King James, when there were accompts taken of forty Gentlemen, not above twenty, and ſome not exceeding ſixteene of Age, which made him to ſay, that it was the antient cuſtome for old men to make lawes for young ones; but there he ſaw the caſe altered, and that there were Children in the great Councell of the Kingdome, which came to Invade and invert nature, and to enact Lawes to governe their Fathers, ſuch were in the houſe alwaies, and tooke the common cauſe into conſideration, and they ſay the Queene had many times juſt cauſe, and need enough to uſe their aſſiſtance, neither do I remember that the houſe did ever capitulate, or preferre their private to the publique, and the Queenes neceſſities, but waited their times, and in the firſt place gave their ſupply, and according to the exigence of her affaires, yet failed not at the laſt to attaine what they deſired, ſo that the Queene and her *Parliaments* had ever the good fortunes to depart in love, and on reciprocall Termes, which are conſiderations that have not beene ſo exactly obſerved in our laſt Aſſemblies. And I would to *God* they had beene for conſidering the great debts left on the King, and into what Incombrances the houſe it ſelfe had then drawn him, his Majeſty was not well uſed, though I lay not the blame on the whole ſuffrage of the houſe, where he had many good friends, for I dare avouch it, had the houſe been freed of halfe a dozen popular and diſcontented perſons, ſuch as with the fellow that burnt the Temple of *Epheſus*, would be talked of, though for doing of miſchiefe I am confident the King had obtained that which in reaſon, and at his firſt occaſion he ought to have received freely and without condition, But pardon this digreſſion, which is here remembred, not in way of aggravation but in true zeale of the publique good, and preſented in caveat of future times, for I am not ignorant how the genius and ſpirit of the Kingdome now moves to make his Majeſty amends, or any occaſion, and how deſirous the Subject is to expiate that offence at any rate, may it pleaſe his Majeſty to make triall of his Subjects affections, and at what priſe they value now his goodneſſe and magnanimitie.

But to our purpoſe: The Queene was not to learne that,

as the ſtrength of the Kingdome conſiſted in the multitude of the Subjects; ſo the ſecuritie of her perſon conſiſted and reſted in the love and fidelitie of her people which ſhe politiquely affects (as it hath been thought) ſome-what beneath the height of her naturall ſpirit and magnanimitie.

Moreover it will be a true note of her providence that ſhe would alwaies liſten to her profit · for ſhe would not refuſe the Information of meaneſt perſonages which propoſed improvement and had learnt the Philoſophie of (*Hoc agere*) to looke unto her owne worke: of which there is a notable example of one *Armarten* an under-Officer of the *Custome-house*, who obſerving his time preſented her with a paper, ſhewing how ſhe was abuſed in the under-renting of the Cuſtoms and therewith humbly deſired her Majeſty to conceale him, for that it did concerne two or three of her great Counſellors whom *Customer Smith* had bribed with 2000*li.* a man, ſo to looſe the Queene 20000*li. per annum*; which being made knowne to the Lords they gave ſtrict order that *Armarten* ſhould not have acceſſe to the back ſtaires but at laſt her Majeſty ſmelling the craft and miſſing *Armarten*, ſhe ſent for him back, and incouraged him to ſtand to his Information, which the poore man did ſo handſomly, that within the ſpace of ten yeares he was brought to double his rent, or leave the Cuſtome to new Farmers · ſo that we may take this alſo in conſideration that there were of the Queenes Counſell which were not in the Catalogue of Saints.

Now as we have taken a view of ſome particular motives of her times her nature and neceſſities: It is not without the text to give a ſhort touch of the helps and advantages of her raigne, which were not without parrolles for ſhe had neither Husband Brother Siſter nor Children to provide for, who as they are dependants on the *Crowne* ſo do they neceſſarily draw livelyhood from thence, and oftentimes exhauſt and draw deepe eſpecially when there is an ample fraternity *Royall* and of the Princes of the blood, as it was in the time of *Ed.* 3. and *H.* 4. for when the *Crowne* cannot the publique ought Honourable allowance for they are the honour and hopes of the Kingdome, and the publique which enjoyes them hath the like Intereſt with the Father which begat them.

and

and our Common Law, which is the Inheritance of the Kingdome, did ever of old provide aydes for the *primo-genitus*, and the eldeſt Daughter; for that the multiplicitie of Courts, and the great charges which neceſſarily followes a *King*, a *Queene*, a *Prince*, and *Royall Iſſue*, was a thing which was not *in rerum natura*, during the ſpace of 44 yeares; but worne out of memory and without the conſideration of the preſent times. inſomuch as the Aydes given to the late and right Noble *Prince Henry*, and to his Siſter, the Lady *Elizabeth*, which were at firſt generally received as Impoſitions for *Knight-hood*, though an ancient Law fell alſo into the Imputation of a tax of Nobilitie, for that it lay long covered in the Embers of diviſion betweene the houſes of *Yorke* and *Lancaſter* and forgotten or connived at by the ſucceeding *Princes*: ſo that the ſtrangeneſſe of the obſervation, and the difference of thoſe latter Raignes is that the *Queene* tooke up much beyond the power of Law, which fell not into the murmur of peop'e and her ſucceſſors nothing but by warrant of the Law, which nevertheleſſe was received through diſuſe to be injurious to the libertie of the *Kingdom*.

Now before I come to any mention of her Favorites, for hitherto I have delivered but ſome oblivious paſſages thereby to prepare and ſmooth a way for the reſt that followes.

It is neceſſary that I touch on the Religiouſneſſe of the others Raigne I meane the body of her Siſters Counſell of State, which ſhe retained intirely, neither removing, nor diſcontenting any, although ſhe knew them averſe to her Religion, and in her Siſters time, perverſe to her Perſon, and privie to all her troubles and Impriſonments.

A prudence which was incompatible to her Siſters nature, for ſhe both diſſipated, and preſented the Major part of her Brothers Counſell; but this will be of certaine, that how compl'vable and obſequious ſoever ſhe found them, yet for a good ſpace ſhe made l'ttle uſe of their Counſells, more then in the ordinary courſe of the board for ſhe had a dormant Table in her owne privy-breſt, yet ſhe kept them together, and in their p'aces, without any ſuddaine change; ſo that we may ſay of them that they were then of the Court not of the Counſell; for whileſt ſhe amazed them by a kind of promiſſive

miſſive diſputation concerning the points controverted by both Churches; ſhe did ſet downe her owne Ghests without their privity, and made all their progreſſions, gradations, but for that the tenents of her ſecrets, with the intents of her Habliſhments were pitched before it was knowne where the Court would ſit downe.

Neither do I finde that any of her Siſters Counſell of State were either repugnant to her Religion, or oppoſed her doings. *Engl[illegible]* Mr. of the *Wardes* excepted, who withdrew himſelfe from the board, and ſhortly after out of her Dominions; ſo pliable and obedient they were to change with the times, and their Prince; and of them will fall a relation of Recreation: *Pawlet* Marqueſſe of *Winchester*, and Lord *Treaſurer*, had ſerved then 4 *Princes* in as various and changeable times and ſeaſons, that I may well ſay, no time nor Age hath yeelded the like preſident; this man being noted to grow high in her favor (as his place and experience required) was queſtioned by an intimate friend of his, how hee had ſtood up for 30 yeares together, amidſt the change, and ruines of ſo many Chancellors, and great Perſonages; why, quoth the *Marqueſſe*, *Ortus fum e ſalice, non ex quercu*, I am made of pliable Willow, not of the ſtubborne Oake? And truely it ſeemes the old man had taught them all, eſpecially *William Earle of Pembrooke*, for they two were alwaies of the *King Religion*, and alwaies zealous Profeſſors: of theſe it is ſayd, that being both younger Brothers, yet of Noble houſes, they ſpent what was left them, and came on truſt to the Court, where upon the bare ſtocke of their wits they began to traffique for themſelves, and proſpered ſo well, that they got, ſpent, and left more then any Subjects from *Normans* Conqueſt, to their owne times: whereupon it hath beene pretily ſpoken, that they lived in a time of diſſolution.

To conclude then, of all the former Raigne, it is ſayd, that thoſe two lived, and died, chiefly in her grace and favor, by the Letter written upp on his Sonns marriage with the Lady *Catharine Gray*; he had like utterly to have loſt himſelfe, but at the inſtant of conſummation, as apprehending the unſafety, and danger of Intermarriage with the blood *Royall*, he fell at the *Queenes* feet, where he both acknowledged his preſumption

tion, and projected the cauſe, and the divorce together; ſo quick he was at his worke, that in the time of repudiation of the ſayd Lady *Gray*, he clapt up a marriage for his Son, the Lord *Herbert* with *Mary Stanley*, Daughter to Sir *Henry Sidney*, then Lord Deputy of *Ireland*, the blow falling on *Edward* the late Earle of *Hartford*, who to his coſts tooke up the divorced Lady, of whom the Lord *Beauchampe* was borne, and *William* now Earle of *Hartford*, is deſcended.

I come now to preſent them to her owne election, which were either admitted to her ſecrets of State, or tooke into her Grace, and Favor, of whom in order I crave leave to give unto poſteritie a cautious deſcription, with a ſhort character, or draught, of the perſons themſelves; for without offence to others, I would be true to my ſelfe, their memories, and merits, diſtinguiſhing thoſe of *Militiæ*, from the *togati*; and of both theſe ſhe had as many, and thoſe as able Miniſters, as had any of her *Progenitors*.

LEICESTER.

IT will be out of doubt, that my Lord of *Leiceſter* was one of the firſt whom ſhe made Maſter of the Horſe, hee was the youngeſt Sonne then living of the Duke of *Northumberland*, beheaded *primo Mariæ*, and his Father was that *Dudley* which our Hiſtories couple with *Empſon*: and both be much infamed for the Caterpillars of the Common-wealth, dureing the Raigne of *Henry* the 7. who being of a Noble extract, was executed the firſt yeare of *Henry* 8. but not thereby ſo extinct, but that he left a plentifull Eſtate, and ſuch a ſonne, who as the vulgar ſpeakes, it would live without a teate: for out of the Aſhes of his Fathers Infamy he roſe to be a *Duke*, and as high as ſubjection could permit, or Soveraigntie indure, and though he could not find out any appellation to aſſume the *Crowne* in his owne perſon: yet he projected, and very neately effected it for his ſonne *Guilbert* by entermariage with the Lady *Jane Gray*, and ſo by that way to bring it into his Loynes.

Obſer-

Obſervations which though they lie beyond us, and ſeeme impertinent to the Text yet are they not much extravagant, for they muſt leade us, and ſhew us how the after paſſage were brought about, with the dependances on the lyne of a collaterall work-man-ſhip and ſurely it may amaze a well ſeeled judgment to look back into theſe times, and to conſider how the *Duke* could attaine to ſuch a pitch of greatneſſe, his Father dying in ignominie, and at the Gallowes, his Eſtate confiſcate for pilling and polling the people.

But when we better thinke upon it, we find that he was given up but as a ſacrifice to pleaſe the people, not for any offence committed againſt the perſon of the *King*; ſo that upon the matter he was a Martire of the Prerogative, and the *King* in honour could do no leſſe then give backe to his Sonne the priviledge of his b'ood with the acquireing of his Fathers profeſſion, for he was a Lawyer, and of the *Kings* Counſell at Law, before he came to be *ex interioribus Conſilijs*, where beſides the licking of his owne fingers, he got the *King* a maſſe of Riches and that not with hazard but with the loſſe of his life and fame for the Kings Fathers ſake.

Certainely it is that his Sonne was left rich in purſe, and braine, which good foundations, and fewell to ambition, and it may be ſuppoſed he was on all occaſions well heard of the *King* as a perſon of marke and compaſſion in his eye, but I finde, not that he did put up for advancement, during *Henry* 8. time, although a vaſt aſpirer, and a provident ſtayer.

It ſeemes he thought the *Kings Raigne* was much given to the falling-ſickneſſe but eſpying his time fitting, and the Soveraignitie in the hands of a Pupill Prince he then thought he might as well put up for it was the beſt for having the poſſeſſion of blood and of purſe, with a head-peece of a vaſt extent he ſoone got to honour, and no ſooner there, but hee began to ſide it with the beſt, even with the protector and in concluſion, got his and his Brothers heades, ſtill aſpiring till he exp red in the loſſe of his owne, ſo that poſteritie may by reading of the Father, and Grandfather, make judgment of the Sonne for we ſhall finde that this *Robert*, whoſe originall we have now traced the better to preſent him, was Inheritor

tor to the genius, and craft of his Father, and *Ambroſe* of the eſtate of whom hereafter we ſhall make ſome ſhort mention.

We tooke him now as he was admitted into the Court and the Queenes favour, and here he was not to ſeeke to play his part well, and dexteriouſly, but his play was chiefly at the foregame, not that he was a learner at lattar, but he loved not the after-wit, for the report is (and I thinke not unjuſtly) that he was ſeldome behind hand with his Gameſters, and that they alwayes went with the loſſe.

He was a very goodly perſon, tall, and ſingulerly well featured, and all his youth well-favored, of a ſweet aſpect, but high-foreheaded, which (as I ſhould take it) was of no diſcommendation, but towards his latter, and which with old men was but a middle Age, he grew high Coloured, ſo that the Queene had much of her Father, for excepting ſome of her kindred and ſome few that had handſome wits in crooked bodies; ſhe alwaies tooke perſonages in the way of Election, for the people hath it to this day, *King Henry loved a man*.

Being thus in her grace, ſhe called to minde the ſufferings of her Anceſtors, both in her Fathers and Siſters Raignes, and reſtored his, and his Brothers blood, creating *Ambroſe* the elder Earle of *Warwick*, and himſelfe Earle of *Leiceſter*, and as he was *ex primcys* or of her firſt choyce, ſo he reſted not there but long enjoyed her favor, and therewith what he lifted till time and emulation the companions of greatneſſe, reſolved of his period, and to collour him at his ſiting in a Clowde (at *Conebury*) not by ſo violent a death, or by the fatall ſentence of Judicature, as that of his Father and Grandfathers was but as it is ſuppoſed by that poyſon which he had prepared for others, wherein they report him a rare Artiſt.

I am not bound to give credit to all vulgar relations, or to the Libells of his time, which are commonly forced and falſified ſutable to the wordes and honours of men in paſſion, and diſcontent, but which bindes me to thinke him no good man amongſt other things of knowne truth, is that of my Lord of *Eſſex* his death in *Ireland*, and the marriage of his Lady, which I forbeare to preſſe, in regard he is long ſince

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dead, and others living whom it may concerne.

To take him in the obſervation of his Letters and writings, which ſhould beſt ſet him off, for ſuch as have fallen into my hands. I never yet ſaw a ſtile or phraſe more ſeemingly Religious, and fuller of the ſtraines of devotion, and were they not ſincere, I doubt much of his well being, and I feare he was too well ſeene in the Aphoriſmes, and principles of *Nicolas* the *Florentine*, and in the reaches of *Cæſar Borgias*.

And hitherto I have onely touched him in his Courtſhips. I conclude him in his Lanuce, He was ſent Governor by the Queene to the Revolted States of *Holland*, where we reade not of his wonders, for they ſay, he had more of *Mercury*, then he had of *Mars*, and that his deviſe might have beene without prejudice to the great *Cæſar*. *Veni, vidi, redivi.*

RADCLIFE *Earle of* SUSSEX.

His Corrivall was *Thomas Radcliffe* Earle of *Suſſex*, who in his conſtellation was his direct oppoſit. for indeed he was one of the Queenes Martialiſts, and did her very good Service in *Ireland*, at his firſt acceſſion, till ſhe recalled him to the *Court*, whom ſhe made Lord *Chamberlaine*, but he playd not his Game with that cunning and dexteritie, as the Earle of *Leiceſter* did, which was much the more the fairer Courtier, though *Suſſex* was thought much the honeſter man, and far the better Souldier, but he lay too open on his guard; he was a godly Gentleman, and of a brave and Noble Nature, true, and conſtant, to his friends, and Servants, he was alſo of a very ancient and Noble Lyneage, honoured through many diſcents, through the Tytle of *Fitz-Walters*. Moreover there was ſuch an Antipathy in his Nature, to that of *Leiceſter*, that being together in Court and both in high imployments, they grew to a direct frowardneſſe, and were in continuall oppoſition the one ſetting the watch, the other the guard each on the others actions, and motions, for my Lord of *Suſſex*

was

was of a great ſpirit, which backt with the Queenes ſpeciall favor, and ſupport by a great and ancient Inheritance, could not brooke the others Empire, in ſo much as the Queene upon ſundry occaſions had ſomewhat to do to appeaſe and atone them, untill death parted the competition, and left the place to *Leiceſter*, who was not long alone without his Rivall in grace, and command: and to conclude, this Favorite it is confidently affirmed, that lytng in his laſt ſickneſſe, he gave this caveat to his friends,

I am now paſſing into another world, and I muſt leave you to your fortunes, and the Queenes grace and goodneſſe, but beware of the Gipſey, meaning Leiceſter, *for he will be too hard for you all, you know not the beaſt ſo well as I do.*

Secretary VVILLIAM CECILL.

I Come now to the next, which was *Secretary William Cecill*, for on the death of the old Marqueſſe of *Wincheſter*, he came up in his roome, a perſon of a moſt ſubtile, and active ſpirit.

He ſtood not by the way of conſtellation, but was wholly intentive to the ſervice of his Mrs. and his dexterity, experience and merit therein, challenged a roome in the Queenes favor, which eclipſed the others overſeeming greatneſſe, and made it appeare that there were others ſteered, and ſtood at the Helme beſides himſelfe, and more Stars in the firmament of grace, then *Vrſa Major*.

He was borne as they ſay, in *Lincolne-ſhire*, but as ſome aver, upon knowledge of a younger Brother, of the *Cecills* of *Hartford-ſhire*, a family of my owne knowledge, though now private, yet of no meane Antiquitie; who being expoſed, and ſent to the Citie, as poore Gentlemen uſe to do their Sons, who became to be a rich man on *London-Bridge*, and purchaſed in *Lincoln-ſhire*, where this man was borne.

He was ſent to *Cambridge*, and then to the *Innes* of *Court*, and

ſo came to ſerve the Duke of *Sommerſet*, in the time of his protector-ſhip as Secretary, and having a pregnancie to high Inclinations he came by degrees, to a higher Converſation, with the chiefeſt affaires of State and Councells. but on the fall of the Duke, he ſtood ſome yeares in umbradge, and without imployment, till the State found they needed his abilities, and although we finde not that he was taken into any place, dureing *Maries Reigne*, unleſſe (as ſome ſay) towards the laſt, yet the Councell ſeverall times made uſe of him and in the Queenes entrance he was admitted *Secretary of State*, afterwards he was made Mr. of the *Court of Wards*, then Lord *Treaſurer*, a perſon of moſt excellent abillities and indeed the Queene began to need and ſeeke out men of both Guards, and ſo I conclude to ranke this greet ranke this great Inſtrument amongſt *Togatie*, for he had not to doe with the ſword, more then the ſword more then as the great pay-maſter and contriver of the War, which ſhortly followed, wherein he accompliſhed much, through his theoricall knowledge at home, and his intelligence abroad, by unlocking of the Councells of the Queenes enemies.

We muſt now take it and that of truth, into obſervation, that untill the tenth of her Raigne, the times were calme and ſerene, though ſometimes over-caſt, as the moſt glorious ſunne-riſing is ſubject to ſhadowings and dropings, for the Clowdes of *Spaine*, and the vapers of the holy League began to diſperſe and threaten her felicitie. Moreover, ſhe was then to provide for ſome inteſtine ſtrangers, which began to gather in the heart of her Kingdome, all which had relation, and correſpondency, each one to the other, to diſthrone her, and to diſturbe the publique tranquilitie, and therewithall, as a principall marke, the eſtabliſhed Religion, for the name of *Recuſant* then began firſt to be knowne to the world, untill then the *Catholiques* were not more then Church Papiſts, but now commanded by the Popes expreſſe *Catholique-Church* their Mother, ſo it ſeemes the Pope had then his aymes to take a true number of his Children, but the Queene had the greater advantage, for ſhe likewiſe tooke tale of her oppoſit Subjects their ſtrength and how many they were, that had given up their names to *Baall*, who then by the hands of ſome of his

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Protolites fixed his Bulls on the gates of *Pauls*, which diſcharged her Subjects of all fidelitie, and received faith, and ſo under the vaile of the next Succeſſor, to replant the *Catholique Religion* ſo that the Queene had then a new taske & work in hand, that might well awake her beſt providence, and required a Muſter of new of Armes, aſwell as Court-ſhips, and Counſells. for the time then began to grow quick, and active, fitter for ſtronger motions then them of the Carpet, and meaſure, and it will be a true note of her magnanimitie, that ſhe lov'd a Souldier & had a propention in her nature to regard, and alwaies to grace them, which the Courtiers taking into their conſideration, tooke it as an inviteing to winne honour; together with her Majeſties favor, by expoſeing themſelves to the Wars, eſpecially when the Queene and the affaires of the Kingdome ſtoode in ſome neceſſity of the Souldiers for we have many inſtances of the Sallies of the Nobilitie, and Gentry, yea and of the Court and of her Privy favorites that had any touch or tincture of *Mars* in their Inclinations, and to ſteale away without licence, and the Queenes privitie, which had like to coſt ſome of them deare. ſo predomminate were their thoughts, and hopes of honour growne in them, as we may truely obſerve in the expoſition of Sir *Philip Sidney*, my Lord of *Eſſex*, *Mountjoy*, and diverſe others, whoſe abſence, and the manner of their irruptions, was very diſtaſtfull unto her; whereof I can hereunto add a true, and no impertinent Story, and that of the laſt: *Mountjoy*, who having twice, or thrice, ſtolen away into *Brittany*, where under Sir *John Norris* he had then a company without the Queenes leave and privitie; ſhe ſent a meſſenger unto him, with a ſtrict charge to the Generall, to ſee him ſent home.

When he came into the Queenes preſence, ſhe fel into a kind rayling, demanding of him how he durſt goe ovever, without her leave; Serve me ſo (quoth ſhe) once more, and I will lay you faſt enough for running; you will never leave till you are knock't over the head, as that inconſiderate fellow *Sidney* was, you ſhall goe when I ſend you, in the meane time, ſee that you lodge in the Court, (which was then at *Woite-Hall*) where you may follow your Booke, read, and diſcourſe

diſcourſe of the warres : but to our purpoſe : It fell out happily to thoſe, and as I may ſay, to theſe times, that the Queene during the calme time of her Raigne was not Idle, nor rockt a ſleepe with ſecurity, for ſhe had beene very provident in the Reparation, and Augmentation of her Shipping, and Ammunition and I know not whether by a fore-ſight of policy, or any inſtinct it came about, or whether it was an Act of her Compaſſion, but it is moſt certaine ſhe ſent no ſmall Troopes to the Revolted States of *Holland*, before ſhe had received any affront from the King of *Spaine*, that might deſerve to tend to a breach of hoſtilitie, which the Papiſts maintaine to this day, was the provocation to the after Wars; but omitting what might be ſayd to this point, theſe Netherland Wars, were the Queenes Seminaries Nurſery, of very many brave Souldiers and ſo likewiſe were the Civill-Wars of *France*, whither ſhe ſent five ſeverall Armies.

They were the *French* Scollers that Inured the youth, and Gentry of the Kingdome, and it was a *Militia* wherein they were daily in acquaintance with the Diſcipline of the *Spaniards*, who were then turned the Queenes inveterate enemies.

And thus have I taken in obſervation her *dies Halcionj*, theſe yeares of hers, which were more ſerene and quiet, then thoſe that followed, which though they were not leſſe propitious as being touched more with the points of honour, and victory, yet were they troubled and loaded ever, both with Domeſtique and forraigne machinations, and as it is already quoted they were ſuch as awakened her Spirits, and made her caſt about her to defend, rather by offending, and by way of proviſion, to prevent all Invaſions then to expect them which was a peece of the cunning of the times, and with this I have noted the cauſes, and *principium* of the Wars following, and likewiſe points to the eed-plots, from whence ſhe took up theſe brave men, and plants of honour, which acted on the theatre of *Mars*, and on whom ſhe diſperſed the rayes of her graces which were perſons in their kindes of care, vertues, and ſuch as might out of merit pretend Intereſt to her favors, of which ranke the number will equall, if not exceed that of he Gowne-men, in recompt of whom, I will proceed with Sir *Philip Sidney*.

Sir

Sir PHILIP SIDNEY.

HE was the Sonne of Sir *Henry Sidney*, Lord Deputy of *Ireland*, and Preſident of *Wales*, a perſon of great parts, and of no meane grace with the Queene; his Mother was Siſter to my Lord of *Leiceſter*, from whence we may conjecture, how the Father ſtood up in the ſphere of honour and imployments ſo that his deſcent was apparantly noble on both ſides; and for his education, it was ſuch as Travaile, and the *Univerſitie* could afford none better, and his Tutors Infuſe, for after an incredible proficiencie in all the Spheres of learning, hee left the *Academicall*, for that of the Court, whither he came by his Vncles invitation, famed after by Noble reports of his accompliſhments, which together with the ſtate of his perſon, framed by a Naturall propenſion to Armes, ſoone attracted the good opinions of all men, and was ſo highly praiſed in the eſteeme of the Queene, that ſhe thought the Court deficient without him: and whereas through the fame of his deſert, he was in election for the Kingdome of *Pole*, ſhe refuſed to further his preferment: It was not out of emulation of advancement, but out of feare to looſe the jewell of her time. He married the Daughter and ſole heire of Sir *Francis Walſingham*, the Secretary of *State*; a Lady deſtinated to the Bed of honour, who after his deplorable death at *Zutphen*, in the *Low-Countries*, where he was at the time of his Uncle *Leiceſters* being there, was remarried to the Lord of *Eſſex*, and ſince his death, to my Lord of Saint *Albones*, all perſons of the ſword, and otherwiſe of great honour, and vertue.

They have a very quaint conceipt of him, that *Mars*, and *Mercury*, fell at variance, whoſe ſervant he ſhould be, and there is an *Epigrammiſt* that ſaith, that *Art*, and *Nature*, had ſpent their excellencies in his faſhioning, and fearing they could not end what they had begun, they beſtowed him up for time, and *Nature* ſtood mute, and amazed to behold her owne marke: but theſe are the particulars of Poets.

Certaine it is, he was a noble and matchleſſe Gentleman, and

and it may be sayd justly of him without these hiperboles of faction as it was of *Ca. Vbi censis*. and that he seemed to be born onely to that which he went about *Vir facilis Ingenij* as *Plutarch* sayth it, but to speake more of him, were to make them lesse.

VValsingham.

Sir *Francis Walsingham* as we have sayd, had the honour to be Sir *Philip Sidneys* Father in Law; he was a Gentleman at first, of a good house, and of a better education, and from the Universitie travelled for the rest of his learning; doubtlesse he was the onely Linguist of his times, how to use his owne tongue whereby he came to be imployed in the chiefest affaires of State.

He was sent Ambassador to *France*, and stayd there Legar-long in the heate of the Civil-warrs and at the same time that Mounsier was here a Sutor to the Queene, and if I be not mistaken he played the very same part there, as since *Gundamore* did here: at his returne he was taken principall Secretary, and for one of the great Engines of State, and of the times, high in his Mrs. the Queenes favor, and a watchfull Servant over the safety of his Mrs.

They note him to have certaine curtesies and secret wayes of intelligence above the rest, but I must confesse, I am to seeke wherefore he suffered *Parry* to play so long as he did, hang on the hooke before he hoysed him up: and I have been a little curious in the search thereof, though I have not to doe with the *Arcana Regalia imperij*, for to know it's sometimes a burthen; and I remember it was *Ovids* criminant error, that he saw too much, but I hope these are collateralls, and of noe danger.

But that *Parry* having an intent to kill the Queene, made the way of his accesse, by betraying of others, and in appeaching of the Priests of his owne correspondency, and thereby had accesse to conferre with the Queene, as oftentimes privat and familiar discourse with *Walsingham*, will not be the que-

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re of the myſtery for the Secretary might have had an end of a further diſcovery & maturity of the Treaſon but that after the Queene knew *Parryes* intent, why ſhe would then admit him to private diſcourſe and *Walſingham* to ſuffer him, conſidering the conditions of all the deſignes, and to permit him to goe where and whither he liſted, and onely under the Secrecy of a darke ſentinell, ſet over him was a peece of reach and hazard, beyond my apprehenſion: I muſt againe profeſſe that I have read many of his Letters, for they are commonly ſent to my Lord of *Leiceſter*, and of *Burleigh*, out of *France*, containing many fine paſſages, and ſecrets yet if I might have been beholding to his Cyphers, they would have told pretty tales of the times, but I muſt now cloſe him up, and Ranke him amongſt the *Togati*: yet chiefe of thoſe that layd the foundations of the *French* and *Dutch* Warres, which was another peece of his fineneſſe of the times, with one obſervation more, that he was one of the greateſt alwaies of the Auſterian imbracements, for both himſelfe, and *Stafford* that preceded him, might well have beene compared to him in the Goſpel, that ſowed his tares in the night; ſo did they their ſeedes in diviſion, in the darke, and as it is a likely report, that they Father on him at his returne, the Queene ſpeaking to him with ſome ſenſibility of the *Spaniſh* deſignes on *France*: Madam he anſwered, I beſeech you be content, and feare not, the *Spaniards* have a great appetite and an excellent digeſtion, but I have fitted him with a Bone for theſe 20 yeares, that your Majeſty ſhould have noe cauſe to doubt him, provided that if the fire chance to ſhake, which I have kindled, you will be ruled by me, and caſt in ſome of your fewell which will revive the flame.

WILLOUGHBIE.

MY Lord *Willoughby* was one of the Queenes firſt Swordmen, he was of the ancient extract of the *Bartewes*, but more enabled by his Mother, who was Duches of *Suffolk*, he was a great Mr. of the Art *Military*, and was ſent Generall

into *France*, and commanded the ſecond Army of 5, the Queene had ſent thither, in ayde of the *French*: I have heard it ſpoken, that had he not ſlighted the Court, but applyed himſelfe to the Queene, he might have enjoyed a plentifull portion of her grace, and it was his ſaying, and it did him no good, that he was none of the *Reptilia*, intimating, that he could not creepe on the ground, and that the Court was not his Element, for indeed as he was a great Souldier, ſo he was of a ſuitable magnanimitie, and could not brooke the obſequiouſneſſe and aſſiduitie of the Court, and as he was then ſomewhat deſcending from youth, happily he had an *animam revertendi*, and to make a ſafe retreate.

BACON.

AND now I come to another of the *Togati*, Sir *Nicholas Bacon*, an Arch-peece of wit, and of wiſdome, he was a Gentleman, and a man of Law, and of a great knowledge therein, whereby together with his after part of learning, and dexteritie, he was promoted to be keeper of the great Seale, and being of kin to the Treaſurer *Burleigh*, and alſo the helpe of his hand to bring him to the Queenes great favor, for he was aboundantly factious, which tooke much with the Queene, when it ſuited with the Seaſon, as he was well able to judge of the times: he had a very quaint ſaying, and he uſed it often to good purpoſe, *that he loved the jeſt well, but not the loſſe of his friend*, and that though he knew that *verus quiſque ſuæ fortunæ faber*, was a true and a good principle, yet the moſt in number were thoſe that numbred themſelves, but I will never forgive that man that looſeth himſelfe to be rid of his Jeſts.

He was Father to that refined wit which ſince hath acted a diſaſterous part on the publique Stage, and of late ſate in his Fathers roome, as Lord *Chancellor*: thoſe that lived in his Age, and from whence I have taken this little Modell of him, gives him a lively Character, and they decipher him to be another *Solon*, and the *Synon* of thoſe times, ſuch a one as *Oedi-*

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pus was in dissolving of riddles, doubtlesse he was an able instrument, and it was his commendations that his head was the Mallet, for it was a very great one, and therein kept a wedge, that entred all knotty peeces that came to the Table.

And now againe I must fall back to smooth, and plaine a way to the rest that is behind but not from my purpose. There have been about this time two Rivalls in the Queenes favor: old Sir *Francis Knowles* Comptroler of the House and Sir *Henry Norris*, whom she had called up at *Parliament*, to sit with the Peeres in the higher House, as *Henry Norris* of *Ryeot*, who had married the Daughter and heire of the old *Henry Williams* of *Fayne*, a Noble person, and to whom in her adversitie, the Queene had been committed to his safe custodie, and from him had received more then ordinary observances: Now such was the goodnesse of the Queenes Nature, that she neither forgot the good turnes received from the Lord *Williams*, neither was she unmindfull of this Lord *Norris*, whose Father in her Fathers time and in the busines of her Brotner died in a noble cause, and in the Justification of her innocency.

NORRIS.

MY Lord *Norris* had by this Lady an apt issue which the Queene highly respected, for he had sixe Sonnes, and all Martiall and brave men, the first was *William* the eldest, and Father to the late Earle of *Barke-shire*, Sir *John Vulgarly* called Generall *Norris*, Sir *Edward*, Sir *Thomas* Sir *Henry*, and *Maximilian*, men of hauty courage, and of great experience in the conduct of *Military* affayres, and to speake in the Character of their merit, they were persons of such Renowne and worth, as future times must out of duty owe them the debt of an honourable memory.

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KNOWLES.

SIr *Francis Knowles* was somewhat neare in the Queenes affinitie, and had likewise noe incompetent title, for he had also, *William* his eldest Sonne, and since Earle of *Banbury* Sir *Thomas*, Sir *Robert*, and Sir *Francis*, if be not a little mistaken in their names, and Marshalling: and there was also the Lady *Lettice*, a Sister of those who was first Countesse of *Essex*, and after of *Leicester*, and those were also brave men in their times and places, but they were of the Court and Carpe, and not by the genious of the Camp.

Betweene these two Families, there was as it falleth out amongst great ones and Competitors of favor, no great correspondency, and there were some seedes either of emulation, or distrust, cast betweene them, which had they not beene disjoyned in the residence of their persons, as that was, the fortune of their imployments, the one side attending the Court, and the other the Pavillion, surely they would have broken out into some kind of hostilitie, or at least they would intwinde and wrestle one in the other like Trees circuled with Ivy; for there was a time, that when both these fraternities being met at Court, when there passed a chalenge betweene them at certaine exercises, the Queene and the old men being spectators, which ended in a flat quarell amongst them all: one I am perswaded though I ought not to judge, that there were some reliques of this feyned, that there were long after the causes of thone Families almost utter extirpation and the other s in prosperitie, for it was a knowne truth, that so long as my Lord of *Leicester* lived, who was the maine pillar on the one side, for having marryed the Sister, the other side tooke no deepe root in the Court, though otherwise they made their waies to honour by their Swords, and that which is of more note, considering my Lord of *Leicesters* use of men of war, being shortly after sent Governor to the revolted States, and no souldier himselfe, is that he made no more accompt of Sir *John Norris* a Souldier then deservedly famou-

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ſed, and trained from a page under the Diſcipline of the greateſt Captaine in Chriſtendome, the Admirall *Caſtillian*, and of Command in the *French*, and *Dutch* Warres, almoſt 20 yeares, and it is of further obſervation, that my Lord of *Eſſex*, after *Leiceſters* deceaſe, though addicted to Armes, and honoured by the Generall, in the *Portugall* expedition, where out of Inſtigation, as it hath beene thought, or out of ambition and Jelouſie ecclipſed by the Fame and Splendor of this great Commander, never loved him in ſincerity.

Moreover, and certaine it is, he not onely cruſhed, and upon all occaſions quailed the youth of this great man, and his famous Brethren, but therewith drew on his owne fatall end, by undertaking the *Iriſh* Action, in time when he left the Court empty of friend and full fraught with his profeſſed enemies. But I forbeare to extend my ſelfe in any further Relation upon this Subject, as having loſt ſome notes of truth in theſe two Nobles, which I would preſent and therewith touched ſomewhat, which I would not, if the equity of the Narration, would have omitted any omiſſion.

PERROT.

SIr *John Perrot* was a goodly Gentleman, and of the Sword, and he was of a very ancient diſcent, as an heire to many Subtracts of Gentry, eſpecially from *Guy De Brian*, of *Lawhorn*, ſo was he of a very vaſt eſtate, and came not to Court for want, and to theſe Advancements; he had the endowments of carriage, and height of Spirit, had he alighted on the Ally and temper of diſcretion, the defect whereof with a native freedome and bouldneſſe of ſpeech drew him on to a Clowded ſitting, and layd him upon the ſpleene and advantage of his enemies, of whom Sir *Chriſtopher Hatton* was profeſſed, he was yet a wiſe man, and a brave Courtier, but rough and participating more of active, then ſedentary motions, as being in his Inſtellation deſtined for Armes, there is a quære of ſome denotations, how he came to receive the foyle, and that in the Cataſtrophe, for he was ſtrengthened with honourable

ble Alliances, and the prime friendſhip in *Court*; my Lord of *Leiceſter*, and *Burleigh*, both his Contemporaries; and familiars, but that there might be (as the Adage hath it) falſitie in friendſhip, and we may reſt ſatiſfied, that there is no diſpute againſt fates, and they quit him for a perſon that loved to ſtand too much alone on his Leggs, of too often regreſſe and diſcontinuance from the Queenes preſence, a fault which is incompetible with the waies of *Court* and favor. He was ſent Lord *Deputy* into *Ireland*, as it was then apprehended, for a kind of hautineſſe, and repugnancie in counſells, or as others have thought, the fitteſt perſon then to bridle the *Inſolencies* of the *Iriſh*, and probable it is, that both conſidering the ſway that he would have at the Board, and head in the Queenes favor, concurred, and did alike conſpire his remove and ruine: But into *Ireland* he went, where he did the Queene very great and many Services, if the ſurpluſage of the meaſure did not abate the value of the merit, as aftertime found to be no paradox to ſave the Queenes purſe, but both her ſelfe and my Lord Treaſurer *Burleigh*, ever ooke for good Service, he impoſed on the Iriſh the charge for bearing their own Armes, which both gave them the poſſeſſion, and taught them the uſe of Weapons, which proceeded in the end to a moſt fatall worke, both in the profuſion of blood, and treaſure.

But at his returne, and upon ſome accompt ſent home before, touching the eſtate of that Kingdome, the Queene powred out aſſiduous teſtimonies of her grace towards him, till by his retreate to his Caſtle of *Carr*, where he was then building, and out of a deſire to be in command at home, as he had beene abroad, together with the hatred and practiſe of *Hatton*, then in high favour, whom he had not long before bitterly taunted for his Dancing: he was accuſed for high Treaſon, and for high wordes and a forged Letter, condemned, though the Queene on the newes of his Condemnation, ſwore by her wonted oath, that the Jury were all Knaves, and they delivered it with aſſurance, that on his returne to the Towne, after his Triall, he ſaid with oathes, and with fury, to the *Lieutenant* Sir *Owen Hopton* what will the Queene ſuffer her Brother to be offered up as a Sacrifice to the envy of my flattering Adverſaries? which being

being made knowne to the Queene, and somewhat enforced, she refused to signe it, and swore he should not die, for he was an honest and faithfull man: and surely, though not altogether to set our rest and faith upon Tradition, and old reports, as that Sir *Thomas Perrot*, his Father was a Gentleman of the *Privy Chamber*, and in the Court married to a Lady of great Honour, which are presumptions in some implications, but if we goe a little further, and compare his pictures, his qualities, gesture, and voyce, with that of the King, which memory retaines yet amongst us, they will plead strongly, that he was a subreptitious Child of the *Blood Royall*.

Certaine it is, that he lived not long in the Tower, and that after his decease Sir *Thomas Perrot* his Sonne then of no meane esteeme with the Queene, having before married my Lord of *Essex* his Sister, since Countesse of *Northumberland*, had restitution of his Land, though after his death also (which immediately followed) the *Crowne* resumed the State, and tooke advantage of the former attainder, and to say the truth, the Priests forged Letter was at his Arraignement thought but as a fiction of envy, and was soone after exploded by the Priests owne confession, but that which most exasperated the Queene, and gave advantage to his enemies, was as Sir *Walter Rawleigh* takes into observation, words of disdaine, for the Queene by sharpe and reprehensive Letters had netled him, and thereupon sending others of approbation, commending his service, and intimating an Invasion from *Spaine*, which was no sooner proposed, but he sayd publiquely in the great *Chamber* at *Dublin*: Loe now she is ready to bepisse her selfe, for feare of the *Spaniards*, I am againe one of her white Boyes, which are subject to a various construction, and tended to some disreputation of his Soveraigne, and such as may serve for instruction to persons in place of Honour, and command to beware of the violences of Natur, and especially the exorbitance of the tongue. And so I conclude him with this double observation, the one of the Innocency of his intentions exempt and cleare from the guilt of Treason, and Disloyaltie, therefore of the greatnesse of his heart, for at his Arraignement he was so little dejected with what might be alledged, that rather he grew troubled with choller and in a kind

kind of exaſpiration, he deſpiſed his Jury, though of the order of *Knight-hood*, and of the ſpeciall Gentry, clayming the priviledge of tryall, by the Peeres, and Barronage of the Realme. ſo prevalent was that of his native genious, and hautineſſe of Spirit, which accompanied him to his laſt, and till without any diminution of change therein, it brake in peeces the cords of his magnanimitie, for he died ſuddainely in the Tower, and when it was thought the Queene did intend his enlargement, with the reſtitution of his poſſeſſions, which were then very great, and comparable to moſt of the Nobilitie.

HATTON.

SIr *Chriſtopher Hatton* came to the Court as his oppoſit: Sir *Iohn Perrot* was wont to ſay by the Galliard, for he came thither as a private Gentleman of the *Innes of Court* in a *Maſke*: and for his activity, and perſon, which was tall, and proportionable, taken into her favor: He was firſt made vice *Chamberlane*, and ſhortly after, advanced to the place of Lord *Chancellor*; a Gentleman that beſides the graces of his perſon, and dancing, had alſo the endowment of a ſtrong and ſubtile capacitie, and that could ſoone learne the Diſcipline and garbe, both of the times and Court, and the truth is, hee had a large proportion of guifts and endowments, but too much of the ſeaſon of envy, and he was a meere vegetable of the Court that ſprung up at night and ſunke againe at his noone.

Eios non mentorum, ſed ſex fait illa virorum.

EFFINGHAM.

MY Lord of *Effingham* though a Courtier betimes, yet I find not that the Sunſhine of his favor, brake out upon him untill

untill ſhe tooke him into the Ship, and made him *High Admirall of England*, for his extract it might ſuffice that he was the Sonne of *L. Howard*, and of *L.* Duke of *Norfolke*.

And for his perſon as goodly a Gent. as the times had any, if Nature had not been more intentive to compleat his perſon, then fortune to make him rich; for the times conſidered which were then active, and a long time after lucrative he dyed not wealthy, yet the honeſter man, though it ſeemes the Queenes purpoſe was to tender the occaſion of his advancement, and to make him capable of more honour, at his returne from *Cadize* voyage, and Action ſhe conferred it upon him, creating him Earle of *Nottingham*, to the great diſcontent of his Colleague my Lord of *Eſſex* who then grew exceſſive in the appetite of her favor, and the truth is ſo exorbitant in the limitation of the Soveraigne aſpert that it much alienated the Queenes grace from him, and drew others together with the *Lamirall* to a combination and conſpire his Ruine, and though as I have heard it from that party (I meane the old *Admiralls* factions) that it lay not in his proper power to hurt my Lord of *Eſſex*, yet he had more fellowes and ſuch as were well skilled in the ſetting of the trayne: but I leave this to thoſe of another Age, it is out of doubt that the *Admirall* was a good honeſt and brave man, and a faithfull ſervant to his Mrs. and ſuch a one as the Queene out of her own Princely Judgement knew to be a fit Inſtrument for her ſervice for ſhe was a proficient in the reading of men aſwell as Bookes and as ſundry expeditions as that aforemencioned and 88. do better expreſſe his worth, and manifeſt the Queenes truſt, and the opinion ſhe had of his fidelitie and conduct.

Moreover the *Howards* were of the Queenes Alliance, and Conſanguinitie by her Mother which ſwayed her affections, and bent it towards this great houſe, and it was a part of her naturall propention to grace and ſupport ancient Nobilitie where it did not intrench neither invade her intereſt from ſuch treſpaſſes ſhe was quicke and tender, and would not ſpare any whatſoever as we may obſerve in the caſe of the Duke, and my Lord of *Hartford*, whom ſhe much favoured, and countenanced, till they attemped the forbidden fruit,

the fault of the laſt being in the ſevereſt interpretation, but a treſpaſſe of incroachment, but in the firſt it was taken as a Ryot againſt the *Crowne*, and her owne Soveraigne power, and as I have ever thought the cauſe of her averſion, againſt the reſt of that houſe, and the Dukes great Father-in-Law, *Fitz Allen*, Earle of *Arundell*, a perſon in the firſt ranke of her affections, before theſe and ſome others Jelouſies, made a ſeperation betweene them.

This Noble Lord & L. *Thomas Howard*, ſince Earle of *Suffolk*, ſtanding alone in her grace, and the reſt in her umbrage.

PACKINGTON.

SIr *Iohn Packington* was a Gentleman of no meane Family, and of forme and feature, no waies diſabled, for he was a brave Gentleman and a very fine Courtier, and for the time which he ſtayed there, which was not laſting, very high in her grace, but he came in, and went out, through diſaſſiduitie, drew the Curtaine betweene himſelfe, and the light of her grace, and then death overwhelmed the remnant, and utterly deprived him of recovery, and they ſay of him, that had hee brought leſſe to her Court, then he did, he might have carried away more then he brought, for he had a time on it, but an ill husband of opportunitie.

HUNSDOVVNE.

MY Lord of *Hunſdowne* was of the Queenes neareſt kindred, and on the deceaſe of *Suſſex*, both he and his Sonne ſucceſſively tooke the place of Lord *Chamberlaine*, he was a faſt man to his Prince, and firme to his Friend, and Servants, and though he might ſpeake big, and therein would be borne out, yet was he the more dreadfull, but leſſe harmefull, and far from the practiſe of the Lord of *Leiceſters* Inſtructions,

or

for he was downe-right, and I have heard thoſe that both knew him well, and had Intereſt in him, ſay meerely of him, that his Lattine, and diſſimulation, were alike, and that his Cuſtome of ſwearing, and obſcoenitie, in ſpeaking, made him ſeeme a worſe Chriſtian then he was, and a better Knight of her Carpet then he could be: as he lived in a Roughling time, ſo he loved Sword and Buckler men, and ſuch as our Fathers were wont to call men of their hands of which ſort he had many brave Gentlemen that followed him, yet not taken for a popular and dangerous perſon, and this is one that ſtood amongſt the *Togati*, of an honeſt ſtout heart, and ſuch a one that upon occaſion would have fought for his Prince, and Country, for he had the charge of the Queenes perſon, both in the Court, and in the Camp at *Tilbury*.

RAULEIGH.

SIr *Walter Rawleigh*, was one that it ſeemes fortune had picked out of purpoſe, of whom to make an example, and to uſe as her Tennis-Ball, thereby to ſhew what ſhe could do. for ſhe toſſed him up of nothing, and to and fro to greatneſſe, and from thence downe to little more then to that wherein ſhe found him a bare Gentleman, and not that he was leſſe for he was well deſcended, and of good Alliance; but poore in his begininngs: and for my Lord of *Oxfords* Jeſts of him for the Jacks and upſtarts, we all know it favored more of emulation, and his honour, then of truth; and it is a certaine note of the times, that the Queene in her choyce, never tooke in her favor a meere vew'd man or a Mechanicke, as *Comines* obſerves of *Lewes* 11. who did ſerve himſelfe with perſons of unknowne parents, ſuch as were *Oliver* the *Barbar*, whom he created Earle of *Dunoys* and made him *ex ſecretis conciliis*, and alone in his favour, and familiarity.

His approaches to the *Univerſity*, and *Innes of Court*, were the groundes of his improvement, but they were rather expreſſions, then Sieges, or ſettings downe, for he ſtayd not long in

a place, and being the youngeſt Brother and the houſe diminiſhed in his patrimony, he foreſaw his deſtiny, that he was firſt to Roule through want and diſabillitie, to ſubſiſt otherwiſe, before he came to a repoſe and as the ſtone doth by long lying, gather Moſſe: He was the firſt that expoſed himſelfe into the Land Service of *Ireland*, A *Militia* which did not then yeild him food and Rayment, for it was ever very poore, nor dared hee to ſtay long there, though ſhortly after he came thither againe, under the Command of my Lord *Gray*, but with his owne colours, flying in the field, having in the interim caſt a meere chance, both in the Low-Countries, and in the voyage to Sea; and if ever man drew vertue out of neceſſity, it was he, and therewith was he the great example of induſtry, and though he might then have taken that of the Merchant to himſelfe, *per mare perterras Curvit Mercator ad lucros*, He might alſo have ſaid, and truely with the Philoſopher *omnia mea mecum porto*, for it was a long time before he could bragg of more then he carried at his backe, and when he got on the winning ſide, it was his commendations that he tooke paines for it, and underwent many various adventures for his after perfection, and before he came into the publique noate of the world: and that may appeare how he came up *per arduà*; *Per varios caſus per tot diſcrimina rerum*, not pulled up by chance, nor by any great admittance, I will onely deſcribe his Nature parts, and theſe of his owne acquiring.

He had in the outward man a good preſence, in a handſome and well compacted perſon, a ſtrong naturall wit, and a better Judgement, with a bould and plauſible tongue, whereby he could ſet out his parts to the beſt advantage, and theſe he had by the adjuncts of ſome generall learning, which by diligence, he enforced to a great augmentation, and perfection, for he was an indefalliable reader, where by Sea and Land, and none of the beſt obſervors both of men and of the times, and I am ſomewhat confident, that among the ſecond cauſes of his grouth, that there was variance betweene him and my Lord Generall *Gray*, in his ſecond deſcent into *Ireland*, was principall for it, drew them both over to the counſell Table there to pleade their owne cauſes, where what advantage he had in the caſe, in controuerſie I know not, but hee had

had much the better in the manner of telling his tale, inſo-much as the Queene and the Lords tooke no ſlight marke of the man, and his parts for from thence he came to be knowne, and to haue acceſſe to the Lords and then we are not to doubt how ſuch a man would comply to progreſſion, and whether or no, my Lord of *Leceſter* had then caſt a good word for him to the Queene, which would have done him no harme, I doe not determine, but true it is, he had gotten the Queenes eare in a trice, and ſhe began to be taken with his election, and loved to heare his reaſons to her demands and the truth is ſhe tooke him for a kind of Oracle, which netled them all, yea thoſe that he relyed on, began to take this his ſoddaine favor for an allarum, and to be ſenſible of their owne ſupplantation, and to project his, which made him ſhortly after ſing, *Fortune my foe, why doſt thou frowne*, ſo that finding his favor declining, and falling into a Receſſe, he undertooke a new perigrination to leave that *terra infirma*, of the Court, for that of the Waves, and by declining himſelfe, and by abſence to expell his and the paſſion of his enemies, which in Court was a ſtrange deviſe of recovery, but that he then knew there was ſome ill Office done him, yet he durſt not attempt to amend it, otherwiſe then by going aſide thereby, to teach envy a new way of forgetfulneſſe, and not ſo much as thinke of him, howſoever he had it alwaies in mind, never to forget himſelfe and his deviſe tooke ſo well, and in his returne he came in as Rambs do, by going backward with the greater ſtrength, and ſo continued to the laſt, great in her favor, and Captaine of her guard, where I muſt leave him, but with this obſervation, though he gained much at the Court, he tooke it not out of the Exchequor, or meerely out of the Queenes purſe but by his wit, and by the helpe of the prerogative, for the Queene was never profuſe in delivering out of her treaſure, but payd moſt and many of her Servants, part in money, and the reſt with grace, which as the caſe ſtood, was then taken for good payment, leaving the arrerres of recompence due for their merrit, to her great ſucceſſor, which payd them all with advantage.

Greville

GREVILE.

SIr *Foulke Grevile*, ſince Lord *Brooke*, had no meane place in her favor, neither did he hold it for any ſhort time, or term, for if I be not deceived, he had the longeſt Leaſe, the ſmoothest time without rubs of any of her favorites, he came to the Court in his youth and prime, as that is the time, or never; he was a brave Gentleman, and hopefully deſcended from *Willoughby*, Lord *Brooke*, and Admirall to *H.* 7. neither illiterate for he was. as he would often profeſſe, a friend to Sir *Philip Sidney*, and thereof is now extant ſome fragments of his penne, and of the times, which do intereſt him in the Muſes, and which ſhewes him the Queenes election, had ever a Noble conduct, and it motions more of vertue and judgment, then of Fancy.

I finde that he neither ſought for, nor obtained any great place, or preferment in Court. during all his time of attendance, neither did he need it. for he came thither backt with plentifull fortune, which as himſelfe was wont to ſay, was then better held together by a ſingle life. wherein he lived, and dyed, a conſtant Courtier of the Ladies.

ESSEX.

MY Lord of *Eſſex*, as Sir *Henry Walton* notes him, a Gent. of great parts, and partly of his times, and retaine, had his introduction by my Lord of *Leiceſter*, who had married his Mother, a tye of affinitie, which beſides a more urgent obligation might have invited his care, to advance him, his fortunes being then through his Fathers infelicitie growne low; but that the Sonne of a Lord *Ferrers* of *Chartly*, Viſcount *Hertford*, and Earle of *Eſſex*, who was of the ancient Nobility, and formerly in the Queenes good grace, could not have

roome

roome in her favor, without the aſſiſtance of *Leiceſter*, was beyond the rule of her nature, which as I have elſwhere taken into obſervation, was ever inclinable to favour the Nobility, ſure it is, that he no ſooner appeared in Court, but he tooke with the Queene and the Countries, and I beleeve they all could not chuſe but looke through the Sacrifice of the Father, on his living Sonne, whoſe Image by the remembrance of former paſſages, was a freſh Leeke, the bleeding of men murdered, repreſented to the Court, and offered up as ſubject of Compaſſion to all the Kingdome.

There was in this young Lord, together with a goodly perſon a kinde of urbanity innovate curteſie, which both won the Queene, and too much tooke up the people to gaze on the new adopted Sonne of her favour; and as I goe along, it will not be amiſſe to take into obſervation, two noteable Quotations: the firſt was a violent indulgence of the Queenes, which is incident to old age, where it incounters with a pleaſing, and ſuitable object towards this great Lord, which argued a non perpetuity, the ſecond was a fault in the object of her grace; my Lord himſelfe, who drew in too faſt like a Child ſucking on an over uberous Nurſe, and had there beene a more decent decorum obſerved in both, or either of theſe, without doubt the unity of their affections, had beene more permanent, and not ſo in, and out, as they were, like an Inſtrument well tuned, and lapſing to diſcord.

The greater error of the two, though unwilling, I am conſtrained to impoſe on my Lord of *Eſſex*, and rather on his Youth, and none of the leaſt of the blame on thoſe that ſtood ſentinell about him, who might have adviſed better, but that like men intoxicated with hopes, they likewiſe had ſucked in with the moſt of their Lords receipts, and ſo like *Caſars*, would have all or none: a rule quite contrary to nature, and the moſt indulgent parents, who they may expreſſe more affection to one in the abundance of bequeathes, yet cannot forget ſome Legacyes, and diſtributives, and dividents to others of their begetting, and how hurtfull partiality is, and proves, every dayes experiences tells us, out of which common conſideration, might have framed to their hands a maxime of more diſcretion, for the conduct, and managment of their

their new graved Lord and Maſter.

But to omit that of infuſion, and to do right to truth, my Lord of *Eſſex*, even of thoſe that truely loved and honoured him, was noted for too bold an Ingroſſer, both of fame, and favor, and of this without offence to the living, or treading on the ſacred grave of the dead, I ſhall preſent the truth of a paſſage yet in memory.

My Lord of *Mountjoy*, who was another child of her favour, being newly come, and then but Sir *Charles Blunt*, (for my Lord *William* his elder Brother was then living) had the good fortune to run one day very wel at Tilt, and the Queene was therewith ſo well pleaſed, that ſhe ſent him in token of her favor, a Queene at *Cheſſe* in hold, richly enamelled which his Servants had the next day, faſtened unto his Arme, with a crymſon Ribband, which my Lord of *Eſſex*, as he paſſed through the *Privy Chamber*, eſpying with his cloake caſt under his Arme, the better to command it to the view, enquired what it was, and for what cauſe there fixed: Sir *Foulk Grevile* tould him it was the Queenes favour, which the day before, and next after the Tilting, ſhe had ſent him; whereat my Lord of *Eſſex* in a kind of emulation and as though he would have limitted her favour ſaid now I perceive every foole muſt have a favor: This bitter and publique affront came to Sir *Charles Blunts* eare, at which he ſent him the challenge which was accepted by my Lord and they met neare *Mary-bone Parke*, where my Lord was hurt in the Thigh, and diſarmed: the Queene miſſing of the men was very curious to learne the truth but at laſt it was whiſpered out, ſhe ſware by *Gods death* it was fit that ſome one or other ſhould take him downe and teach him better manners, otherwiſe there would be no rule with him; and here I note the Iminition of my Lords friendſhip with *Mountjoy*, which the Queene her ſelfe did then conjure.

Now for his fame we need not goe far, for my Lord of *Eſſex* having borne a grudge to Generall *Norris*, who had unwittingly offered to undertake the action of *Britaine*, with fewer men then my Lord had before demanded on his returne with victory, and a glorious report of his valour, he was then thought the onely man for the *Iriſh* Wars, wherein my Lord

of

of *Eſſex* ſo wrought by diſpiſiing the number and qualitie of the Rebells that *Norris* was ſent over with a ſcanted force joyned with the Reliques of the vettered Troopes of *Brittaine*, of ſet purpoſe, and as it fell out to ruine *Norris*, and the Lord *Barrowes* by my Lords procurement, ſent at his heeles, and to command in chiefe, and to convay *Norris* onely to his government at Mounſter, which the great heart of the Generall to ſee himſelfe undervalued, and undermined, by my Lord and *Burrowes*, which was as the proverb ſpeakes, *juvenes docere ſenes*.

Now my Lord *Burrowes* in the beginning of his proſecution dyed, whereupon the Queene was fully bent to ſend over my Lord *Mountjoy*, which my Lord of *Eſſex* utterly miſliked, and oppoſed with many reaſons, and by arguments of contempt towards *Mountjoy*, (his then profeſſed friend, and familiar, ſo predominate was his deſire to reape the whole honour of cloſeing up that War, and all other; now the way being paved, and opned, by his owne work-man-ſhip, and ſo handled, that none durſt appeare to ſtand in the place; at laſt, and with much adoe, he obtained his owne ends, and therewith his fatall deſtruction, leaving the Queene and the Court, where he ſtood impregnable, and firme in her grace, to men that long had ſought, and wayted their times to give him the trip, and could never find any oppertunity but this of his abſence, and of his owne creation, and thoſe are true obſervations of his appetite, and inclinations which were not of any true proportion, but hurried, and tranſported, with an over deſire, and thirſtineſſe after fame, and that deceiptfull fame of popularity, and to helpe on his Cataſtrope, I obſerve likewiſe two ſorts of people that had a hand in his fall: Firſt was the Souldary which all flock unto him, as it were foretelling a mortality, and are commonly of blunt, and too rough Councells, and many times diſſonant from the time of the Court and State: the other ſort were of his Family, his Servants and his owne Creatures ſuch as were bound by ſafety and obligations of fidelity, to have looked better to the ſteereing of that Boate wherein they themſelves were carryed, and not to have ſuffered it to fleet and run on ground with thoſe empty ſales of Tumor of popularity and applauſe: me thinks

one honeſt man or other, which had but the bruſhing of his Cloathes, might have whiſpered in his eare, My Lord looke to it, this multitude that followes you, will either devoure you, or undoe you, do not ſtrive to over-rule all, for it will coſt hot-water, and it will procure envy, and if needs your genius muſt have it ſo, let the Court and the Queenes preſence be your ſtation for your abſence muſt undoe you, but as I have ſayd they have ſuckt too much of their Lords milke, and inſtead of withdrawing they drew the Coales of his ambition and infuſed into him too much of the ſpirit of glory, yea and mixed the goodneſſe of his nature, with a touch of revenge, which is ever-more accompanied with a deſtinie of the ſame fate of this number, there were ſome of inſufferable natures about him, that towards his laſt gave deſperate advice ſuch as his integritie abhorred, and his fidelitie forbad, amongſt whom Sir *Henry Wolton* notes without injury, his Secretary *Cuffe*, as a vile man, and of a perverſe Nature: I could alſo name others, that when he was in the right courſe of recovery ſettling to moderation, would not ſuffer a Receaſe in him, but ſtirred up the dregs of thoſe rude humors, which by times and his affections out of his owne judgement he thought to repoſe, and give them all a vomit. And thus I conclude this noble Lord, as a mixture betweene proſperity, and adverſity, once a Child of his great Mrs. favour, but a Sonne of *Bellona*.

BUCKHURST.

My Lord of *Buckhurſt*, was of the Noble houſe of *Sackvile*, and of the Queenes conſanguinity, or as the people then called him fill-ſacks, by reaſon of his great wealth, and the vaſt patrimony left to his Sonne, whereof in his youth he ſpent the beſt part, untill the Queene by her frequent admonitions, diverted the torrent of his profuſion, he was a very fine Gent. of perſon and endowments, both of Art and Nature, but without meaſure Magnificent till on the torne of his honour, and the Allay that his yearely good Counſell had wrought upon

upon those imoderate Courses of his youth, and that height of Spirit inherent to his house, and then did the Queene as a most judicious, indulgent Prince, who when she saw the man growne setled, and stayd, gave him an assistance, and advanced him to the Treasurer-ship, where he made amends to hi house, for his mis-spent time, both in the increasment of his estat and honour, which the Queene conferred upon him together with the opportunity to remake himselfe, and thereby to shew that this was a Child that should have a share in her grace.

They much commend his elocution, but more the excellency of his pen, for he was a Scholler, and a person of a quick dispatch, faculties that yet run in the blood, and they say of him, that his Secretaries did little for him, by the way of Indictment, wherein they could seldome please him, he was so facete and choyce in his phrases, and style, and for his dispatches, and for the content he gave to suitors, he had a decorum seldome put in practise, for he had of his attendance that tooke into a Role the names of all Suitors, with the date of their first adresses so that a fresh man could not leape over his head, that was of a more ancient edition, excepting the urgent affayres of the State.

I finde not, that he was any way insnared in the factions of the Court, which were all his times strong, and in every mans note, the *Howards* and the *Cuills* of the one part, and my Lord of *Essex, &c.* on the other, for he held the staffe of the Treasury fast in his hand, which made them once in a yeare to be beholding to him, and the truth is, as he was a wise man, and a stout, he had no reason to be a partaker, for he stood sure in blood, and in grace, and was wholly intentive to the Queenes Service: and such were his abilities, that she received assiduous proofes of his sufficiency and it hath been thought she might have more cunning Instruments but none of a more strong Judgment, and confidence in his wayes, which are Symptomes of Magnanimitie, whereunto methinks his Motto hath some kind of reference: *Aut nunquam tentes, aut perfice.* As though he would have Charactered in a word, the genius of his house, or expresse somewhat of a higher Inclination, then lay within his compasse that he was

a Courtier is apparant, for he ſtood alwaies in her eye, and in her favour.

MOUNTIOY.

MY Lord *Mountjoy* was of the ancient Nobility, but utterly decayed in the ſupport thereof (patrimony through his Grandfathers exceſſe his Fathers vanitie in ſearch of the *Philoſopher's-ſtone*, and his Brothers untimely prodigallity; all which ſeemed by a joynt Conſpiracie to ruinate the houſe, and altogether to anihilate it as he came from *Oxford* he tooke the inner Temple in the way to Court, whither he no ſooner came but he had a pretty kind of admiſſion, which I have heard from a diſcreet man of his owne, and much more of the ſecrets of thoſe times, he was then much about twenty yeares of age, browne haired, of a ſweet face, and of a moſt neate compoſure, tall in his perſon, the Queene was then at *White-hall*, and at dinner, whither he came to ſee the faſhion of the Court, and the Queene had ſoone found him out, and with a kind of an affected favour, asked her Carver what hee was, he anſwered he knew him not, inſomuch an enquiry was made one from another, who he might be, till at length it was told the Queene, he was Brother to the Lord *William Mountjoy*, thus enquirie with the eye of her Majeſty fixed upon him, as ſhe was wont to doe, and to daunt men ſhe knew not, ſtirred the blood of the young Gentleman, in ſomuch as his colour went and came, which the Queene obſerving, called unto him, and gave him her hand to kiſſe, encouraging him with gracious words and new lookes, and ſo diverting her ſpeech to the Lords, and Ladyes, ſhe ſayd that ſhe no ſooner obſerved him, but ſhe knew there was in him ſome Noble blood, with ſome other expreſſions of pitty towards his houſe, and then againe demanding his name, ſhe ſayd, faile you not to come to the Court, and I will bethinke my ſelfe, how to do you good; and this was his inlet, and the beginning of his grace: where it falls into conſideration, that though he wanted not wit, and courage, for he had very fine

attractives

atractives, as being a good peece of a Scholler, yet were thoſe accompanied with the Retractives of baſhfulneſſe, and naturall modeſty, which as the wave of the houſe of his fortune then ſtood, might have hindred his progreſſion, had they not been reinforced by the infuſion of Soveraigne favour, and the Queenes gracious invitation; and that it may appeare how he was and how, much that heritique neceſſity will worke in the directions of good Spirits, I can deliver it with aſſurance, that his exhibition was very ſcant, untill his Brother died, which was ſhortly after his admiſſion to the Court, and then was it no more but a thouſand Markes per annum, wherewith he lived plentifully, and in a fine garbe, and without any great ſuſtentation of the Queene, during all her times.

And as there was in Nature, a kind of backwardneſſe, which did not befriend him, nor ſuite with the motion of the Court, ſo there was in him an inclination to Armes, with an humor of travelling, and gadding abroade, which had not ſome wiſe man about him, laboured to remove, and the Queene layd in her command, he would out of his owne native propruſcion, marred his owne market, for as he was growne by reading, whereunto he was much adicted to the theory of a Souldier, ſo was he ſtrongly invited by his genius, to the acquaintance of the practiſe of the War, which were the cauſes of his excruſions, for he had a Company in the *Low-Countries*, from whom he came over with a Noble acceptance of the Queene, but ſomewhat reſtles in honourable thoughts, he expoſed himſelfe again, and againe and would preſſe the Queene with the pretences of viſiting of his company ſo often, til at length he had a flat denyall, yet he ſtroke over with Sir *John Norris* into the action of *Bruttaine*, which was then a hot, and active War, whom he would alwaies call his Father, honouring him above all men, and ever bewailing his end, ſo contrary he was in his eſteeme, and valuation of this great Commander, to that of his friend, my Lord of *Eſſex*, till at laſt the Queene began to take his degreſſions for contempt, and confined his reſidence to the Court, and her owne preſence, and upon my Lord of *Eſſex* fall, ſo confident ſhe was in her owne Princely judgment, and the opinion ſhe had conceived of his worth

worth, and conduct, that she would have this Noble Gent. and none other to bring in the *Irish Wars*, to a propitious end, for it was a Propheticall speech of her owne, that it would be his fortune, and his honour, to cut the thred of that fatall Rebellion, and to bring her in peace to the grave, wherein she was not deceived for he atchieved it, but with much paines, and carefulnesse, and without the forces, and many Jealosies of the Court and times, wherewith the Queenes Age, and the malignitie of her setling times, were repleate, and so I come to his deare friend in Court, Secretary *Cecill*, whom in his long absence he adored as his Saint, and counted him his onely Mecenas, both before and after his departure from Court, and during all the time of his command in *Ireland*, well knowing that it lay in his power, and by a word of his mouth, to make or marr him.

ROBERT CECILL.

SIr *Robert Cecill*, since Earle of *Salisbury*, was the Sonne of the Lord *Burleigh*, and by degrees Successor of his places, and favors, though not of his Lands, for he had Sir *Thomas Cecill* his elder Brother, since created Earle of *Exeter*, he was first Secretary of State, then Mr. of the Court of Wards, and in the last of her Raigne came to be Lord Treasurer, all which were the steps of his Fathers greatnesse, and of the honour he left to his house for his person he was not [illegible] ling to nature, though [illegible] he best [illegible] ithout [illegible] gnant [illegible] urtier [illegible] but [illegible] hort [illegible] at he [illegible] need [illegible] this [illegible] ru- [illegible] ction

IRREGULAR

PAGINATION

&tion which begat him the Tutorſhip of the times and Court which were then Academyes of Art and cunning for ſuch was the Queenes condition from the tenth or twelfth of her Raigne, that ſhe had the happineſſe to ſtand up, whereof there is a former intimation, environed with many and more enemies and aſſaulted with more dangerous practiſes, then any Prince of her times and of many ages before, where we muſt not in this her preſervation, attribute too much to human policies for that in his owne omnipotent providence, he ordained thoſe ſecondary meanes, as Inſtruments of the worke by an evident manifeſtation of the ſame worke which ſhe acted and it was a well pleaſing worke of his owne, out of a peculiar care he had decreed the protection of the work-Miſtris, and thereunto added his abundant bleſſing upon all and whatſoever ſhe undertooke, which is an obſervation of ſatisfaction to my ſelfe, that ſhe was in the right, though to others now breathing under the ſame forme and frame of her government, it may not ſeeme an anmoadverſion of their worth, but I leave them to the perill of their owne folly, and ſo come againe to this great Mr. of State and the ſtaffe of the Queenes declining age, who though his little crooked perſon could not promiſe any great ſupportation yet it carried thereon a head, and a head peece of a vaſt content and therein it ſeemes, nature was ſo diligent to compleat one, and the beſt part about him, as the perfection of his memory, and intelectualls; ſhe tooke care alſo of his ſences, and to put him in *Luceos oculos*, or to pleaſure him the more borowed of *Argos* ſo to give unto him a prſpective ſight, and for the reſt of his ſenſitive vertues, his predeceſſor *Walſingham*, had left him a receipt to ſmell out what was done in the conclave.

And his good old Father ſo well ſeene in Mathematicks, as that he could tell you throughout *Spaine*, every part every Port every Ship with their burthens, whither bound what preparations, what impediments for diverſion of enterpriſes, counſel and reſolution: and that we may ſee, as in a little Mappe how docible this little man was, I will preſent a taſt of his abillities.

My Lord of *Devonſhire* upon certainty that the *Spaniard* would Invade *Ireland* with a ſtrong Army, had written very carneſtly

worth, and conduct, that ſhe would have this Noble Gent. and none other to bring in the *Iriſh Wars*, to a propitious end, for it was a Propheticall ſpeech of her owne, that it would be his fortune, and his honour, to cut the thred of that fatall Rebellion, and to bring her in peace to the grave, wherein ſhe was not deceived for he atchieved it, but with much paines, and carefulneſſe, and without the forces, and many Jealoſies of the Court and times, wherewith the Queenes Age, and the malignitie of her ſetling times, were replcate, and ſo I come to his deare friend in Court, Secretary *Cecill*, whom in his long abſence he adored as his Saint, and counted him his onely Mecenas, both before and after his departure from Court, and during all the time of his command in *Ireland*, well knowing that it lay in his power, and by a word of his mouth, to make or marr him.

ROBERT CECILL.

SIr *Robert Cecill*, ſince Earle of *Saliſbury*, was the Sonne of the Lord *Burleigh*, and by degrees Succeſſor of his places, and favors, though not of his Lands, for he had Sir *Thomas Cecill* his elder Brother, ſince created Earle of *Exeter*, he was firſt Secretary of State, then Mr. of the Court of Wards, and in the laſt of her Raigne came to be Lord Treaſurer, all which were the ſteps of his Fathers greatneſſe, and of the honour he left to his houſe for his perſon he was not much beholding to nature, though ſomewhat for his face, which was the beſt part of his outſide: for his inſide it may be ſayd, and without offence, that he was his Fathers owne Sonne, and a pregnant preſident in all his Diſcipline of State: he was a Courtier from his Cradle, which might have made him betimes, but he was at the age of twenty and upwards, and was far ſhort of his after prooſe, but expoſed and by change of clymat he ſoone made ſhew what he was and would be.

He lived in thoſe times wherein he Queene had moſt need and uſe of men of waight, and amongſt many able ones this was chiefe, as having taken his ſufficiency from his inſtruction

&tion which begat him the Tutorſhip of the times and Court which were then Academyes of Art and cunning for ſuch was the Queenes condition from the tenth or twelfth of her Raigne, that ſhe had the happineſſe to ſtand up, whereof there is a former intimation, environed with many and more enemies, and aſſaulted with more dangerous practiſes, then any Prince of her times and of many ages before, where we muſt not in this her preſervation, attribute too much to human policies, for that in his owne omnipotent providence, he ordained thoſe ſecondary meanes, as Inſtruments of the worke by an evident manifeſtation of the ſame worke which ſhe acted and it was a well pleaſing worke of his owne, out of a peculiar care he had decreed the protection of the work-Miſtris, and thereunto added his abundant bleſſing upon all and whatſoever ſhe undertooke, which is an obſervation of ſatisfaction to my ſelfe, that ſhe was in the right, though to others now breathing under the ſame forme and frame of her government, it may not ſeeme an anmoadverſion of their worth, but I leave them to the perill of their owne folly, and ſo come againe to this great Mr. of State, and the ſtaffe of the Queenes declining age, who though his little crooked perſon could not promiſe any great ſupportation yet it carried thereon a head, and a head peece of a vaſt content and therein it ſeemes, nature was ſo diligent to compleat one, and the beſt part about him, as the perfection of his memory, and intellectualls; ſhe tooke care alſo of his ſences, and to put him in *Luceos oculos*, or to pleaſure him the more borowed of *Argos* ſo to give unto him a prſpective ſight, and for the reſt of his ſenſitive vertues, his predeceſſor *Walſingham*, had left him a receipt to ſmell out what was done in the conclave.

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My Lord of *Devonſhire* upon certainty that the *Spaniard* would Invade *Ireland* with a ſtrong Army, had written very earneſtly

earneſtly to the Queene, and to the Councell for ſuch ſupplies to be timely ſent over, that might enable him both to march up to the *Spaniard*, if he did land and follow on his proſecution without diverting his intentions againſt the Rebells, Sir *Robert Cicill*, beſides the generall diſpatch of the Counſell (as he often did) writ thus in private, for theſe two then began to love dearely.

My Lord, *out of the abundance of my affection, and the care I have of your well-doing, I muſt in private put you out of doubt of feare, for I know you cannot be ſenſible, otherwiſe then in the way of honour, that the Spaniards will not come unto you this yeare, for I have it from my owne, what his preparations are in all his parts, and what he can do; for be confident, he beareth up a reputation, by ſeeming to imbrace more then he can gripe, but the next yeare be aſſured he will caſt over to you ſome forlorne Troopes, which how they may be reinforced beyond his preſent abilitie, and his firſt intention, I cannot as yet make any certaine iudgment, but I beleeve out of my intelligence, that you may expect the Landing in* Munſter, *and the more to diſtract you in ſeverall places, as at* Kings-ſale, Beerehaven, *and* Baltimore; *where you may be ſure coming from Sea, they will firſt fortifie, and learne the ſtrength of the Rebells, before they dare take the field: howſoever, as I know you will not leſſon your care, neither your defences, and whatſoever lies in my power to do you, and the publique ſervice: reſt thereof aſſured.*

And to this I could add much more, but it may (as it is) ſuffice to preſent much of his abilities, in the Penn. that he was his Crafts Maſter in forraigne intelligence, and for Domeſtique affaires, as he was one of thoſe that ſate at the helme to the laſt of the Queene. ſo was he none of the leaſt in skill, and in the true uſe of the Compaſſe. and ſo I ſhall onely vindicate the ſcandall of his death, and conclude him. for he departed at Saint *Margarets*, neare *Marleborough*, at his returne from *Bathe*, as my Lord vice *Chamberlaine*, my Lord *Clifford*, and my ſelfe his Sonne, and Sonne in Law, and many more can witneſſe, but that the day before he ſounded on the way, and was taken out of his Litter, and layd into his Coach, was a truth out of which that falſehood concerning the manner of his

his death, had its derivation though nothing to the purpoſe, or to the prejudice of his worth.

VERE.

SIr *Francis Vere* was of that ancient, and of the moſt Noble extract of the Earles of *Oxford*, and it may be a queſtion whether the Nobility of his houſe, or the honour of his atchivements might moſt commend him, but that we have an authentique rule.

Nam genus et proavos & quæ nos non fecimus ipſi; vix ea noſtra voco.

For though he was an honourable ſlip of that ancient Tree of Nobilitie, which was no diſadvantage to his vertue, yet hee brought more glory to the name of *Vere*, then he tooke of blood from the Family.

He was amongſt all the Queenes Sword-men inferrior to none, but ſuperior to many, of whom it may be ſayd to ſpeake much of him, were the way to leave out ſomewhat that might ad to his praiſe, and to forget more that would make to his honour.

I finde not that he came much to the Court, for he lived almoſt perpetually in the Campe, but when he died, no man had more of the Queenes favour, and none leſſe envied, for he ſeldome troubled it with the noyſe, and allarums of ſupplications, his way was another ſort of undermining.

They report that the Queene as ſhe loved Marſhall men, would Court this Gentleman as ſoone as he appeared in her preſence, and ſurely he was a Souldier of great worth and command 30 yeares in the ſervice of the States, and 20 yeares over the *Engliſh*, in chiefe, as the Queenes Generall: And hee that had ſeene the Battaile of *Newport*, might there beſt have taken him and his noble Brother, the Lord of *Tilbury* to the life.

VVORCESTER.

MY Lord of *Worcester* I have here put last, but not least in the Queenes favour; he was of the ancient and noble blood of the *Beauforts*, and of her Grandfathers kin, by the Mother, which the Queene could never forget, especially where there was an incurrence of old blood with fidelity, a mixture which ever sorted with the Queenes nature, and though there might hap somewhat in this house, which might invert her grace, though not to speak of my Lord himselfe but in due reverence and honour I meane contrariety or suspition in Religion, yet the Queene ever respected his house and principally this Noble blood, whom she first made Mr. of her Horse, and then admitted him of her Councell of State.

In his youth, part whereof he spent before he came to reside at Court, he was a very fine Gentleman, and the best Horseman and Tilter of the times, which were then the man-like and Noble recreations of the Court, and such as tooke up the applause of men, aswell as the prayse and commendation of Ladyes, and when yeares had abated those exercises of honour, he grew then to be a faithfull and profound Counsellor, and as I have placed him last, so was he the last liver of all her servants of her favour, and had the honour to see his renowned Mrs. and all of them layd in the places of their Rests, and for himselfe after a life of very Noble and remarkable reputation, and in a peaceable old age, a fate that I make the last, and none of my slightest observations which befell not many of the rest, for they expired like unto a light blowne out with the snuffe, stinking, not commendably extinguished, and with an offence to the standers by. And thus I have delivered up my poore Essay, or little draught of this great Princesse and her times, with the Servants of her State, and favour: I cannot say I have finished it, for I know how defective and imperfect it is, as limbed onely in the Originall nature, not without the Active blessings, and so left it as a talke fitter for remoter times, and the talles of some bolder pencill to correct

that

that which is amiſſe, and draw the reſt up to life: as for me to have endeavored it, I tooke it in conſideration, how eaſily I might have daſhed into it much of the ſtaine of pollution, and thereby have defaced that little which is done; for I profeſſe I have taken care to Maſter my pen, that I might not erre *animo*, or of ſet purpoſe diſcolour each or any of the parts thereof, otherwiſe then in concealment: happily they are ſome which will not approve of this modeſty, but will cenſure it for puſillanimitie, and with the cunning Artiſt, attempt to draw their line further out at length, and upon this of mine which way (ſomewhat more eaſe) it may be effected, for that the frame is ready made to their hands, and then happily I could draw one in the midſt of theirs, but that modeſty in me forbids the defacements in men departed, their poſterity yet remaining, enjoying the merit of their vertues, and do ſtill live in their honour. And I had rather incur the cenſure of abruption, then to be conſcious and taken in the manner, ſinning by eruption, or trampling on the graves of perſons at reſt, which living we durſt not looke in the face nor make our addreſſes unto them, otherwiſe then with due regard to their honours, and reverence to their *vertues.*

FINIS.